

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

Layoff

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Addenda

Addendum A:	Calculating Layoff Points
Addendum B:	Layoff Calculation Form (Excel document)
Addendum C:	Notice of Order of Layoff
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Addendum E:	Notice of Layoff – Bumping
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I. Layoff

A. Purpose

The purpose of this Standard Operating Procedure (SOP) is to provide a process for establishing organizational units for layoff purposes and the orders of layoff for the proper units, placing laid off employees on the proper layoff lists, and otherwise monitoring laid off employees for proper treatment.

B. Scope

This SOP applies to employees who are in the classified and excluded units of the State of Alaska's Executive Branch service.

C. Authority

1. AS 39.25.150(13) Layoff
2. 2 AAC 07.405 Layoff
3. 2 AAC 07.800 Organizational Units
4. General Government Unit Collective Bargaining Agreement (CBA), Articles 12, 1, 10, and 11
5. Supervisory Unit CBA, Articles 17, 2, 9, 18, and 19
6. Confidential Unit CBA, Articles 21, 1, and 20
7. Labor, Trades, and Crafts CBA, Articles 22, 8, 13, 17, and 19
8. Public Safety Officers Unit CBA, Articles 11 and 2
9. Correctional Officers Unit CBA, Articles 10 and 9

D. Overview

The Personnel Rules and collective bargaining agreements provide the mechanisms by which layoff occurs.

This SOP is being issued to facilitate an orderly approach to layoff. It specifically addresses the procedures that affect the majority of those employees in the General Government, Supervisory, Confidential, Labor, Trades, and Crafts, Public Safety Officers, Correctional Officers, and Excluded units. Special attention must be paid to the appropriate collective bargaining agreement in conjunction with the SOP.

Consult the Division of Labor Relations for any situations or circumstances not covered in this SOP.

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II. Layoff Procedures for the General Government Unit

The General Government Unit collective bargaining agreement will be used in conjunction with this section of the SOP.

A. Layoff Occurs When...

An appointing authority may lay off an employee in the General Government Unit (GGU) for the following reasons:

1. The employee holds a permanent substitute appointment.
2. A position is abolished.
3. There is a shortage of work.
4. There is a shortage of funds.
5. There are other reasons outside the employee's control.
6. There is a change in the status of a position.

A layoff does not reflect discredit on the service of the employee.

B. Organizational Units for Layoff Purposes

All departments must have organizational units for layoff purposes approved by the division of personnel. Employees may only be laid off using approved organizational units.

1. Basic Subdivision of Department

The basic subdivision of departments into organizational units for layoff purposes is:

- a. Division
- b. Location
- c. Job classification series
- d. Position status

These subdivisions apply solely within each bargaining unit.

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2. Other Subdivisions

An appointing authority may propose other subdivisions of an agency into organizational units for purposes of layoff by submitting a written plan for subdivision, other than that described above, to the director of the division of personnel, in accordance with 2 AAC 07.800.

- a. Organizational units may be recognized on the basis of geographic area, function or class of employment, and may be different for different classes and types of employment.
- b. The types of employment are full-time, part-time and seasonal. *(2 AAC 07.800(a)).*
 - 1) For layoff unit purposes, a part-time employee is one whose regularly scheduled hours are less than 37.5 (or 40) hours per week.
 - 2) Employees who are job sharing will be considered either part-time or seasonal depending on whether they work part of a week or part of a year, e.g., six months each year or 20 hours per week.
- c. Records of other approved subdivisions are maintained by the division of personnel.
- d. An organizational unit must be approved at least 30 calendar days before a notice of layoff is sent to any employee in the affected unit. (Article 12.02.D)
- e. Notice of an organizational unit change is required when:
 1. The name of the organizational unit changes.
 2. An organizational unit is abolished.
 3. A new organizational unit is created.
 4. An organizational unit moves to a different department.
- f. Notice of an organizational unit change is not required when:
 1. A position or positions are added to the organizational unit.
 2. A position or positions are deleted from the organizational unit.
 3. The organizational chart is changed to reflect restructuring of the unit.
- g. The director of the division of personnel will notify the agency when the organizational layoff unit is approved or disapproved.

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- h. The director shall notify the appointing authority of recognized organizational units, and those units must be used thereafter as a basis for layoff. The appointing authority shall post a copy of the notice of recognition and shall distribute copies of the notice to affected employees (2 AAC 07.800(b)).
- i. The director may withdraw recognition of organizational units created under this section upon notice to the appointing authority at any time the director determines that withdrawal of recognition is in the best interest of the State service (2 AAC 07.800(c)).
- j. Copies of approved organizational units will be provided by the division of personnel to the unions simultaneously with notice to the agency.
- k. Geographically Expanded Units. The GGU collective bargaining agreement provides for geographical expansion of the organizational units for layoff purposes under defined circumstances. These expansions must be complied with in determining the orders of layoff. See Article 12.03.C.2 for language on geographic expansion at the targeted level of layoff and at the next lower level. Addendum J provides additional information on GGU geographic expansion.

C. Order of Layoff

In instances where computation of layoff seniority and the establishment of a layoff order are required, the director of the division of personnel shall certify the list to the appointing authority with a copy to the Union Headquarters. This authority may be delegated. In situations of delegated authority, the division of personnel may verify this SOP has been followed. The official personnel file located in the Employee Records Section of the division of personnel must be used when calculating layoff points.

Layoff points are computed even if establishment of the order of layoff is not required due to a single incumbent in the organizational unit for layoff purposes and, if applicable, no employees in a bumping pool.

Letters of Agreement relevant to layoff/recall may exist. An agency with delegated authority to compute layoff points and establish a layoff order must contact the Division of Labor Relations prior to beginning either process to determine if related letters exist.

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1. Order of Layoff Request

Address requests to establish the order of layoff to the supervisor of the Employee Services Section. Agencies which have been delegated authority to establish orders of layoff may use some other method of initiating this process.

- a. The request must specify the organizational unit (division, location, class, and status or other approved unit) and bargaining unit in which layoff is targeted.
- b. The request must also identify any employee entitled to Super Seniority under Article 12.03.E.2.

2. Computation of Layoff Points

The order of layoff is based on the total length of probationary/permanent service.

The method of calculation of employee layoff points is established by the director of the division of personnel.

Layoff points are calculated for all employees in the organizational unit through the date the layoff list is prepared in order to establish the order of layoff. Upon implementation of layoff, layoff points for all laid off employees are recalculated to reflect their actual length of service. Layoff point calculations must be verified by a second individual.

3. Identifying Employees in Organizational Units for Layoff Purposes

- a. Upon receipt of a request to establish the order of layoff for an organizational unit, the first action is to confirm the unit has been properly identified as the currently approved unit by comparison with the record of approved units described in Section B above.
- b. The next step is to identify the employees in the unit. This determination includes geographic expansion and lower classes in a class series as appropriate.
- c. Primary resources consist of the Vacancy Analysis (RO) reports by job class and by division and the on-line Workforce Planning and Development system (WorkPaD).
- d. For layoff of a seasonal position, employees on seasonal leave without pay (SLWOP) are included with the rest of the unit and must be identified.
- e. Job share incumbents are treated according to their work schedule rather than the budgeted status of the position.

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- f. Any question about who is in an organizational unit for layoff purposes should be resolved by the requesting agency, in writing.

4. Tie Breakers

The tie breakers described below apply when two employees have the same layoff points.

- a. **Veteran's Preference.** AS 39.25.159 provides that a veteran, prisoner of war, or member of the national guard shall be kept on the job in a layoff situation in preference to an equally qualified person who is not a veteran, former prisoner of war, or member of the national guard. See AS 39.25.159(d) for the definitions of "veteran," "disabled veteran," and "prisoner of war." See AS 39.25.159(c) for the definition of "member of the national guard."
- b. **Class Series.** Class series seniority is calculated the same way as State service, except it is limited to time in the employee's current class series.
- c. **Employer Discretion.** If a tie remains after application of all tie breakers specified in a collective bargaining agreement, the choice of employee to be laid off is at the discretion of the employer.

The following chart indicates the order of use of the tie breakers. The number "1" indicates the first tie breaker used, "2" indicates the second, and so forth.

Unit	Vet	Class Series	Employer Discretion
GGU	1	2	3

5. Calculating Length of State Service

Length of State service is computed as the total of all periods of employment in probationary or permanent status, whether connected or unconnected. The number of months of service is determined by use of an EXCEL spreadsheet.

Addendum A provides instructions for calculating length of service and using the spreadsheet.

Addendum B is the EXCEL spreadsheet.

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6. Super Seniority

Those union stewards entitled to super seniority under the terms of the GGU agreement shall head the seniority list and shall be the last to be laid off in the organizational unit.

- a. The GGU collective bargaining agreement identifies criteria that must be met to be eligible for super seniority.
- b. The GGU union will provide a list of those employees to the Division of Labor Relations and to Management Services Section.
- c. When super seniority applies to a layoff situation, verify information is accurate and up-to-date before applying super seniority to order of layoff.

7. Production of Orders of Layoff

- a. The Employee Services Section will normally be able to prepare the order of layoff in five to ten working days, depending on the number of employees involved in the calculations and the number of pending requests.
- b. Formal written notification of the order of layoff is given to the Employee Services Section, the Management Services Section, and the union. See form memorandum in Addendum C.
- c. Departments that have accepted delegated authority to produce orders of layoff must provide a copy of the order of layoff and the completed layoff calculation Excel document for each employee to be laid off to the designated layoff contact from the Employee Services section in the division of personnel at least 10 working days before the effective date of layoff.
- e. The Layoff Order # is entered as follows:

DDNN.CY where DD is the department number, NN is the sequential number of the list issued during the calendar year, and CY is the last two digits of the calendar year. For example, the third order of layoff issued in 2002 for the Department of Revenue is Layoff Order # 0403.02.

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- f. Employees will be listed in order of ascending points.
 - 1) The employee listed first would have the lowest number of layoff points and would be first to be laid off, the second employee second, etc.
 - 2) Where super seniority applies as described above, the employee must head the seniority list.
 - 3) Where ties have been broken as described under “Tie Breakers” above, the results must be shown in the listing.
 - 4) Where ties remain, the employees will all be listed with the same order number.
- g. In the case of a single position organizational unit for layoff purposes (including geographic expansion and bumping pools), formal written certification of the order of layoff is required in order to insure documentation of the propriety of the action and because layoff points will be required later for recall.
- h. The order of layoff and the layoff point calculations must be verified by a second reviewer who certifies the accuracy of the order of layoff and the layoff point calculations before the information is sent to the division of personnel and before any layoff actions are taken.
- i. The division of personnel may perform an independent certification of the order of layoff and the layoff point calculations at any time.

D. Notification

- 1. Prior to issuing a layoff notice to a permanent or probationary employee, agencies are responsible for separating any emergency, provisional, or nonpermanent employees consistent with the requirements of the GGU collective bargaining agreement (Article 12.01.B) and the Personnel Rules. Normally, emergency, nonpermenant, and provisional employees are terminated in that order.
- 2. In every case of layoff of any permanent classified employee, the appointing authority shall make every effort to give written notice to the employee at least thirty (30) calendar days in advance of the effective day of the layoff. The appointing authority shall give at least ten (10) working days written notice.
- 3. In every case of layoff of any probationary classified employee, the appointing authority shall make every effort to give written notice to the employee at least ten (10) working days in advance of the effective date of layoff.

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4. The layoff notification must be in writing and must contain the following:
 - a. the reason(s) for the layoff.
 - b. the information that the employee will be placed on the layoff list for the job class, position type, and location in which the layoff occurred.
 - c. a list of all positions, by PCN, in lower levels of the class series with the location identified where the employee may exercise a "bumping" election. See GGU Article 12.03.C.
 1. If there is a vacant position in the bumping class that management has determined to fill at the time layoff is occurring, it (or they) shall be considered in the bumping pool with layoff points of 0.00.
 2. Vacant positions are not included in the Order of Layoff.

Addendum D is a guide memorandum for use in notifying employees of layoff.

Addendum E contains a sample memorandum notifying an employee subject to bumping of that possibility.

Addendum F is the conditions upon return from layoff form to be attached to the notification of layoff.
5. A copy of the layoff notice must be attached to the division of personnel's copy of the Personnel Action effecting the layoff, whether it is a separation or other action.
 - a. The Remarks section should include the standard PA comments language and also state any other action occurring (such as change in status or voluntary demotion in lieu of layoff).
 - b. See Addendum H for PA comments language.

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6. The following documents must be received by the Employee Services Section in the division of personnel before the effective date of layoff:
 - a. original personnel action or a screen print from AKPAY followed by the original personnel action within 5 working days.
 - b. layoff notice.
 - c. layoff points (electronic file).
 - d. Conditions of Employment Upon Return from Layoff form (if completed). This form is Addendum F.
7. The division of personnel will be responsible for the placement of laid off employees in Workplace Alaska as appropriate.

E Other Considerations

1. After all appropriate emergency, nonpermanent, and provisional employees have been terminated by an agency, there may be necessary work that may be assigned to the employee facing layoff. Bargaining unit lines are not determinative. The kind, level and geographic location of such work is a matter that should be discussed by the Management Services Group with the employee.
2. The possibility of accepting a voluntary demotion offered concurrent with the actual layoff in lieu of layoff should not be overlooked. An employee who accepts such a demotion retains certain rights.
3. The names of permanent or probationary employees who are voluntarily demoted under these circumstances will be placed on the appropriate layoff list for the class from which demoted. They will remain on the list for the three (3) year layoff period or until appointed to a position at or above the salary range from which demoted, whichever comes first.
4. Managers may wish to consider one or more alternative work arrangements to minimize the impact of layoff.
 - a. Job Sharing--this could be on a daily or weekly basis or six months of the year.
 - b. Working part-time (less than 37.5 hours per week).
 - c. Working on a seasonal basis for a specific period of time. The remainder of the year would be taken as seasonal leave without pay.

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- d. Approved leave without pay for a specific time period.
- e. Voluntary layoff (out of order). Note: Labor Relations must be contacted before this option can be offered.
- f. Voluntary demotion in lieu of layoff or appointment to a lower class in another class series.

F. Rights of Laid off Employees

1. Layoff Lists

A laid off GGU employee is placed on the layoff list for certification purposes for a period of three years.

- a. The order of return from layoff within the job class of the position to be filled is:
 - 1) laid off employees from the organizational unit
 - 2) laid off employees from the department
 - 3) laid off employees statewide
- b. The order of return is the reverse of the order of layoff, i.e., super seniority employees first, followed by other employees in descending order of points.
- c. It is not until all laid off employees have been certified one at a time and are not available or otherwise decline the position that the employer may fill the position pursuant to Article 10.
- d. An employee laid off in a job class that has positions in a bargaining unit other than GGU may apply for non-GGU positions through Workplace Alaska as a rehire.

2. Leave

- a. No loss of earned leave or other earned benefits shall occur during the period a laid off employee has layoff rights.
- b. Accrued annual or personal leave is paid off in a lump sum payment upon layoff. The departmental payroll section handles the paperwork necessary to make the payment.
- c. Return to work in a probationary or permanent status any time within the three (3) year layoff period restores any sick leave balance.

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- d. If the layoff did not result in separation (status layoff, displacement or demotion in lieu of layoff), earned leave and other earned benefits continue to apply based on the current employment status.

3. Insurance Coverage

A laid off employee may elect to continue health and life insurance coverage. Information regarding continuation options and payment requirements is available from either the Division of Retirement and Benefits or the GGU health trust.

4. PERS, TERS, SBS, and Deferred Compensation

- a. An employee with layoff rights is still an employee ("inactive member") for retirement purposes. AS 39.35.680(20). Therefore:
1. Retirement contributions must remain in either the PERS or TERS system.
 2. Laid-off employees must formally resign from State service, thus losing their layoff rights, if they want a PERS or TERS retirement contributions refund.
 3. Formal notice of resignation must be provided to the department from which the employee was laid off to allow for the employee's removal from layoff.
 4. Resignation forfeits the employee's right to other benefits of employment (, sick leave balance, insurance maintenance, etc.).
- b. Under certain circumstances, employees in layoff status may apply for refund of their SBS annuity account contributions. Payments can be made after the employee has been in layoff status for 60 days.
- c. Under certain circumstances, employees in layoff status may apply for refund of their Deferred Compensation account contributions. Payments can be made after the employee has been in layoff status for 60 days.

See Addendum L for additional information on PERS, TERS, SBS, and Deferred Compensation for laid off employees.

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5. Movement to a Different Job while Retaining Layoff Rights

- a. A laid off employee may move to a job class other than that from which laid off either upon layoff or following a break in service and retain recall rights in any of the following ways:
 1. Displacement of an employee in a lower classification in the same class series (“bumping”).
 2. Voluntary demotion if the employee moves to a lower level in the employee’s job class series other than through bumping.
 3. Appointment to a lower class in another job class series.
 4. Appointment to a nonpermanent position.
- b. The relevant status, step placement, probationary period and personnel action needed for each of these is as follows:

Type of Movement	Status	Merit Anniversary Date	Step Placement	Type of Personnel Action
(1) Displacement through bumping	Same	Same	Same	Demotion (DM)
(2) Voluntary demotion – not bumping	PR or PE	Adjusted for LWOP if PE, to follow PR period if PR	Earned, best reflects service, or other approved by division of personnel	Voluntary Demotion (DM)
(3) Appointment to lower class in different series	PR	Follows PR period	As provided by GGU contract or Personnel Rules	Demotion (DM)
(4) Appointment to nonpermanent position	PJ, PS, PT, TJ, TS, or TT	N/A	As provided by GGU contract or Personnel Rules	Appointment (AP)

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- c. The GGU contract provides limited layoff rights when an employee accepts a change in status in lieu of layoff.
- 6. A laid off employee who takes a permanent job at a salary range equal to or greater than the job class from which laid off will lose layoff rights regardless of whether the job is full-time, seasonal, or part-time.
- 7. Restriction of Conditions For Recall
 - a. A laid off employee may restrict the conditions under which the employee will be available for recall. An employee or laid off employee wishing to be on the layoff list for different locations must provide written notice Management Services, who shall forward the request to the Employees Services Section of the division of personnel. The Conditions of Employment Upon Return from Layoff form (Addendum F) is used for this purpose.
 - b. The conditions are limited to department, location and status of employment with two exceptions:
 - 1. First, in instances in which a job class has formal, distinct options under one job class title and is so certified in Workplace Alaska, recall rights may be restricted to specific options (other than from which laid off) by the employee. It is important that laid off employees who are in these “option” job classes have this exception explained to them.
 - 2. Second, in instances in which an employee has accepted a change in status in lieu of layoff, the employee is limited to the position status from which laid off.
 - c. The employer will request information concerning restrictions of conditions of availability from each employee at the time of layoff.
 - d. If an employee does not file a written statement concerning restrictions of conditions of availability, the employer will place the employee on the layoff list for the location, department, and status of the position from which laid off. If distinct options exist, the employee will be placed on the list for all options.

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G. Recall of a Laid off Employee

A laid off employee must receive written notification recalling them to work. A copy of the written notification must be sent to the Employee Services Section in the division of personnel at the same time the original notification is sent to the employee.

1. Probationary Period Outstanding

A laid off employee who returns to work in the same job class from which layoff occurred is treated as if the intervening time were approved leave without pay. The status at the time of layoff is restored.

- a. If the employee was probationary, the employee will be subject to continuing the probationary period only as necessary to complete it. The remaining portion of the probationary period is determined by extending the period one month for every twenty-three working days that the employee was not working as a probationary employee in the job class.
- b. If the employee was permanent, the merit anniversary date is similarly adjusted one month for every twenty-three working days that the employee was off work.

2. Recall of a Laid off Employee on Active Military Duty under USERRA

- a. A laid off employee on active military duty under USERRA is recalled to work in accordance with the recall language in the GGU collective bargaining agreement.
 - b. When a laid off employee is recalled to work while on active military duty under USERRA, the employee is not required to report to work until the active military duty has ended.
 - c. The position to which the employee has been recalled may be filled with either a nonpermanent substitute appointment or a permanent substitute appointment until the employee returns from active military duty. Division of Labor Relations must be contacted before the substitute appointment is made.
3. An employee who is working in a lower range job is entitled to at least the former step placement when recalled to the job class from which laid off. Should the normal rules of step placement not provide for at least that step, requests for approval of a higher step placement are submitted to the director of the division of personnel.
4. A laid off employee who receives an offer consistent with the employee's designated conditions of availability at the time the employee's name was certified must accept that offer or lose all layoff rights.

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5. For any recall from layoff which entails a change of duty station, the employee is responsible for any travel or moving expenses incurred, at the discretion of the appointing authority. (Article 12.05.A.9)

H. Employees in Leave Without Pay Status Facing Layoff

1. Layoff Status

- a. An employee who is in leave without pay status may be placed in layoff.
- b. This includes seasonal employees in seasonal leave without pay status.
 - 1) An employee who is in a position indicated as seasonal is considered to be a seasonal employee.
 - 2) An employee who is job sharing a full-time position on a seasonal basis is also considered to be a seasonal employee.
- c. A seasonal employee remains the incumbent of the position and is not laid off during the period of leave without pay. When the work resumes, the employee is expected to return.

2. Leave

When an employee is placed on layoff, all remaining annual/personal leave shall be paid out in accordance with the GGU collective bargaining agreement.

3. Benefits

- a. Health insurance coverage ends at the end of the month during which an employee last worked.
- b. Information regarding continuation options are available from either the Division of Retirement and Benefits or the ASEA (GGU) health trust.

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III. Layoff Procedures for the Supervisory Unit

The Supervisory Unit collective bargaining agreement will be used in conjunction with this section of the SOP.

A. Layoff Occurs When...

An appointing authority may lay off an employee in the Supervisory Unit (SU) for the following reasons:

1. The employee holds a permanent substitute appointment.
2. A position is abolished.
3. There is a shortage of work.
4. There is a shortage of funds.
5. There are other reasons outside the employee's control.
6. There is a change in the status of a position.

A layoff does not reflect discredit on the service of the employee.

B. Organizational Units for Layoff Purposes

All departments must have organizational units for layoff purposes approved by the division of personnel. Employees may only be laid off using approved organizational units.

1. Basic Subdivision of Department

The basic subdivision of departments into organizational units for layoff purposes is:

- a. Division
- b. Location
- c. Job classification series
- d. Position status

These subdivisions apply solely within each bargaining unit.

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2. Other Subdivisions

An appointing authority may propose other subdivisions of an agency into organizational units for purposes of layoff by submitting a written plan for subdivision, other than that described above, to the director of the division of personnel. Changes to the units may be approved by the director of the division of personnel in accordance with 2 AAC 07.800 as it existed on January 1, 1994.

- a. Organizational units may be recognized on the basis of geographic area, function or class of employment, and may be different for different classes and types of employment.
- b. The types of employment are full-time, part-time and seasonal. (2 AAC 07.800(a)).
 1. For layoff unit purposes, a part-time employee is one whose regularly scheduled hours are less than 37.5 (or 40) hours per week.
 2. Employees who are job sharing will be considered either part-time or seasonal depending on whether they work part of a week or part of a year, e.g., six months each year or 20 hours per week.
- c. Records of other approved subdivisions are maintained by the division of personnel.
- d. An organizational unit must be approved at least thirty (30) calendar days before the effective date of layoff of any employee. Check the applicable collective bargaining agreement for specific time requirements.
- e. Notice of an organizational unit change is required when:
 1. The name of the organizational unit changes.
 2. An organizational unit is abolished.
 3. A new organizational unit is created.
 4. An organizational unit moves to a different department.
- f. Notice of an organizational unit change is not required when:
 1. A position or positions are added to the organizational unit.
 2. A position or positions are deleted from the organizational unit.
 3. The organizational chart is changed to reflect restructuring of the unit.
- g. The director of the division of personnel will notify the agency when the organizational layoff unit is approved or disapproved.

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- h. The director shall notify the appointing authority of recognized organizational units, and those units must be used thereafter as a basis for layoff. The appointing authority shall post a copy of the notice of recognition and shall distribute copies of the notice to affected employees (2 AAC 07.800(b)).
- i. The director may withdraw recognition of organizational units created under this section upon notice to the appointing authority at any time the director determines that withdrawal of recognition is in the best interest of the State service (2 AAC 07.800(c)).
- j. Copies of approved organizational units will be provided by the division of personnel to the unions simultaneously with notice to the agency.
- k. Geographically Expanded Units. The SU collective bargaining agreement provides for geographical expansion of the organizational units for layoff purposes under defined circumstances. These expansions must be complied with in determining the orders of layoff. See Article 17.2.A.1 for language. Addendum K provides additional information on SU geographic expansion.

C. Order of Layoff

In instances where computation of layoff points and the establishment of a layoff order are required, the director of the division of personnel shall certify the list to the appointing authority with a copy to the Union Headquarters. This authority may be delegated. In situations of delegated authority, the division of personnel may verify this SOP has been followed. The official personnel file located in the Employee Records Section of the division of personnel must be used when calculating layoff points.

Layoff points are computed even if establishment of the order of layoff is not required due to a single incumbent in the organizational unit for layoff purposes and, if applicable, no employees in a bumping pool.

Letters of Agreement relevant to layoff/recall may exist. An agency with delegated authority to compute layoff points and establish a layoff order must contact Division of Labor Relations prior to beginning either process to determine if related Letters exist.

1. Order of Layoff Request

Address requests to establish the order of layoff to the supervisor of Employee Services Section. Agencies which have been delegated authority to establish orders of layoff may use some other method of initiating this process.

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- a. The request must specify the organizational unit (division, location, class, and status or other approved unit) and bargaining unit in which layoff is targeted.
- b. The request must also identify any employee entitled to Super Seniority under a collective bargaining agreement.

2. Computation of Layoff Points

The order of layoff is based on the total length of probationary/permanent service.

The method of calculation of employee layoff points is established by the director of the division of personnel.

Layoff points are calculated for all employees in the organizational unit through the date the layoff list is prepared in order to establish the order of layoff. Upon implementation of layoff, layoff points for all laid off employees are recalculated to reflect their actual length of service. Layoff point calculations must be verified by a second individual.

3. Identifying Employees in Organizational Units for Layoff Purposes

- a. Upon receipt of a request to establish the order of layoff for an organizational unit, the first action is to confirm the unit has been properly identified as the currently approved unit by comparison with the record of approved units described in Section B above.
- b. The next step is to identify the employees in the unit. This determination will include geographic expansion and lower classes in a class series as appropriate.
- c. Primary resources consist of the Vacancy Analysis (RO) reports by job class and by division and the on-line Workforce Planning and Development system (WorkPaD).
- d. For layoff of a seasonal position, employees on seasonal leave without pay (SLWOP) are included with the rest of the unit and must be identified.
- e. Job share incumbents are treated according to their work schedule rather than the budgeted status of the position.
- f. Any question about who is in an organizational unit for layoff purposes should be resolved by the requesting agency, in writing.

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4. Tie Breakers

The tie breakers described below apply when two employees have the same layoff points.

- a. **Veteran's Preference.** AS 39.25.159 provides that a veteran, prisoner of war, or member of the national guard shall be kept on the job in a layoff situation in preference to an equally qualified person who is not a veteran, former prisoner of war, or member of the national guard. See AS 39.25.159(d) for the definitions of "veteran," "disabled veteran," and "prisoner of war." See AS 39.25.159(c) for the definition of "member of the national guard."
- b. **State Service.** This tie breaker considers all time in probationary or permanent service.
- c. **Employer Discretion.** If a tie remains after application of all tie breakers specified in a collective bargaining agreement, the choice of employee to be laid off is at the discretion of the employer.

The following chart indicates the order of use of the tie breakers. The number "1" indicates the first tie breaker used, "2" indicates the second, and so forth.

Unit	Vet	State Service	Employer Discretion
SU	1	2	3

5. Calculating Length of State Service

Length of State service is computed as the total of all periods of employment in probationary or permanent status, whether connected or unconnected. The number of months of service is determined by use of an EXCEL spreadsheet.

Addendum A provides instructions for calculating length of service and using the spreadsheet.

Addendum B is the EXCEL spreadsheet.

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6. Super Seniority

Those employees entitled to super seniority under the terms of Article 9.5 shall head the seniority list and shall be the last to be laid off in the organizational unit.

- a. The SU collective bargaining agreement identifies criteria that must be met to be eligible for super seniority.
- b. The SU union will provide a list of those employees to the Division of Labor Relations in the Department of Administration and to each department.
- c. When super seniority applies to a layoff situation, verify information is accurate and up-to-date before applying super seniority to order of layoff.

7. Production of Orders of Layoff

- a. The Employee Services Section will normally be able to prepare the order of layoff in five to ten working days, depending on the number of employees involved in the calculations and the number of pending requests.
- b. Formal written notification of the order of layoff is given to the Employee Services Section, the Management Services Section, and the union. See form memorandum in Addendum C.
- c. Departments that have accepted delegated authority to produce orders of layoff must provide a copy of the order of layoff and the completed layoff calculation Excel document for each employee to be laid off to the designated layoff contact from the Employee Services section in the division of personnel at least 10 working days before the effective date of layoff.
- d. The Layoff Order # is entered as follows:

DDNN.CY where DD is the department number, NN is the sequential number of the list issued during the calendar year, and CY is the last two digits of the calendar year. For example, the third order of layoff issued in 2002 for the Department of Revenue is Layoff Order # 0403.02.

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- e. Employees will be listed in order of ascending points.
 - 1) The employee listed first would have the lowest number of layoff points and would be first to be laid off, the second employee second, etc.
 - 2) Where super seniority applies as described above, the employee must head the seniority list.
 - 3) Where ties have been broken as described under “Tie Breakers” above, the results must be shown in the listing.
 - 4) Where ties remain, the employees will all be listed with the same order number.
- f. In the case of a single position organizational unit for layoff purposes (including geographic expansion and bumping pools), formal written certification of the order of layoff is required in order to insure documentation of the propriety of the action and because layoff points will be required later for recall.
- g. The order of layoff and the layoff point calculations must be verified by a second reviewer who certifies the accuracy of the order of layoff and the layoff point calculations before the information is sent to the division of personnel and before any layoff actions are taken.
- h. The division of personnel may perform an independent certification of the order of layoff and the layoff point calculations at any time.

D Notification

- 1. Prior to issuing a layoff notice to a permanent or probationary employee, agencies are responsible for separating any emergency, provisional, or nonpermanent employees consistent with the requirements of the SU collective bargaining agreement (Article 17.01.B) and the Personnel Rules. Normally, emergency, nonpermanent, and provisional employees are terminated in that order.
- 2. In every case of layoff of any permanent classified employee, the appointing authority shall make every effort to give written notice to the employee at least thirty (30) calendar days in advance of the effective day of the layoff. The appointing authority shall give at least two (2) weeks written notice.
- 3. In every case of layoff of any probationary classified employee, the appointing authority shall make every effort to give written notice to the employee at least two (2) weeks in advance of the effective date of layoff.

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4. The layoff notification must be in writing and must contain the following:
- a. The reason(s) for layoff.
 - b. The information that the employee will be placed on the layoff list for the job class, position type, and location in which the layoff occurred.
 - c. A list of all positions, by PCN, in lower levels of the class series with the location identified where the employee may exercise a “bumping” election. See SU Article 17.3.C and 17.3.D.
 - 1) If there is a vacant position in the bumping class that management has determined to fill at the time layoff is occurring, it (or they) shall be considered in the bumping pool with layoff points of 0.00.
 - 2) Vacant positions are not included in the Order of Layoff.
- Addendum D* is a guide memorandum for use in notifying employees of layoff.
- Addendum E* contains a sample memorandum notifying an employee subject to bumping of that possibility.
- Addendum G* is the conditions upon return from layoff form to be attached to the notification of layoff.
5. A copy of the layoff notice must be attached to the division of personnel's copy of the Personnel Action effecting the layoff, whether it is a separation or other action.
- a. The Remarks section should include the standard PA comments language and also state any other action occurring (such as change in status or voluntary demotion in lieu of layoff).
 - b. See *Addendum H* for PA comments language.
6. The following documents must be received by the Employee Services Section in the division of personnel before the effective date of layoff:
- a. Original personnel action or a screen print from AKPAY. Screen prints must be followed by the original personnel action within 5 working days.
 - b. Layoff notice.
 - c. Layoff points (electronic file).
 - d. Conditions of Employment Upon Return from Layoff form (if completed). This form is *Addendum G*.

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7. The division of personnel will be responsible for the placement of laid off employees in Workplace Alaska as appropriate.

E. Other Considerations

1. After all appropriate emergency, nonpermanent, and provisional employees have been terminated by an agency, there may be necessary work that may be assigned to the employee facing layoff. Bargaining unit lines are not determinative. The kind, level and geographic location of such work is a matter that should be discussed by Management Services with the employee.
2. The possibility of accepting a voluntary demotion offered concurrent with the actual layoff in lieu of layoff should not be overlooked. An employee who accepts such a demotion retains certain rights.
3. The names of permanent or probationary employees who are voluntarily demoted under these circumstances will be placed on the appropriate layoff list for the class from which demoted. They will remain on the list for the appropriate period or until appointed to a position at or above the salary range from which demoted, whichever comes first.
4. Managers may wish to consider one or more alternative work arrangements to minimize the impact of layoff.
 - a. Job Sharing--this could be on a daily or weekly basis or six months of the year.
 - b. Working part-time (less than 37.5 hours per week).
 - c. Working on a seasonal basis for a specific period of time. The remainder of the year would be taken as seasonal leave without pay.
 - d. Approved leave without pay for a specific time period.
 - e. Voluntary layoff (out of order – SU Appendix, LOA 8). Note: Labor Relations in the Department of Administration must be contacted before this option can be offered.
 - f. Voluntary demotion in lieu of layoff or appointment to a lower class in another class series.

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F. Rights of Laid off Employees

1. Layoff Lists

A laid off SU employee is placed on the layoff list for certification purposes for a period of three (3) years.

- a. The order of return from layoff within the job class of the position to be filled is:
 - 1) laid off employees from the organizational unit
 - 2) laid off employees from the department
 - 3) laid off employees statewide
- b. Under Article 17.5.A, employees may choose to select recall rights to three job classes. See the SU contract for more information and consult with the Employee Services Section in the division of personnel. The employee retains layoff status at the higher level for the three (3) year layoff period if recalled to the lower level(s).
- c. The order of return is the reverse of the order of layoff, i.e., super seniority employees first, followed by other employees in descending order of points.
- d. It is not until all laid off employees have been certified one at a time and are not available or otherwise decline the position that the use of Workplace Alaska or noncompetitive appointments will be authorized.
- e. A laid off employee apply for job classes other than that from which laid off as a rehire or transfer in accordance with Article 17.5.B.

2. Leave

- a. No loss of earned leave or other earned benefits shall occur during the period a laid off employee has layoff rights.
- b. Accrued annual or personal leave is paid off in a lump sum payment upon layoff. The departmental payroll section handles the paperwork necessary to make the payment.
- c. Return to work in a probationary or permanent status any time within the three (3) year layoff period restores any sick or medical leave bank balance. Members of the Supervisory Bargaining Unit may elect to “buy back” the amount of personal leave that they would have remaining if the separation time were treated as paid leave (Article 29.F.2).

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- d. If the layoff did not result in separation (status layoff, displacement or demotion in lieu of layoff), earned leave and other earned benefits continue to apply based on the current employment status.

3. Insurance Coverage

- a. A laid off employee may elect to continue health and life insurance coverage. Information regarding continuation options and payment requirements is available from the Division of Retirement and Benefits.
- b. The Employer shall provide an additional thirty (30) calendar days of health insurance coverage for laid-off employees commencing with the first day of layoff status. (Article 17.5.D.2)

4. PERS, TERS, SBS, and Deferred Compensation

- a. An employee with layoff rights is still an employee ("inactive member") for retirement purposes. AS 39.35.680(20). Therefore:
- 1) Retirement contributions must remain in either the PERS or TERS system.
 - 2) Laid off employees must formally resign from State service, thus losing their layoff rights, if they want a PERS or TERS retirement contributions refund.
 - 3) Formal notice of resignation must be provided to the department from which the employee was laid off to allow for the employee's removal from layoff.
 - 4) Resignation forfeits the employee's right to other benefits of employment (sick leave balance, insurance maintenance, etc.).
- b. Under certain circumstances, employees in layoff status may apply for refund of their SBS annuity account contributions. Payments can be made after the employee has been in layoff status for 60 days.
- c. Under certain circumstances, employees in layoff status may apply for refund of their Deferred Compensation account contributions. Payments can be made after the employee has been in layoff status for 60 days.

See Addendum L for additional information on PERS, TERS, SBS and Deferred Compensation for laid off employees.

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5. Movement to a Different Job while Retaining Layoff Rights

- a. A laid off employee may move to a job class other than that from which laid off either upon layoff or following a break in service and retain recall rights in any of the following ways:
 1. Displacement of an employee in a lower classification in the same class series (“bumping”).
 2. Voluntary demotion if the employee moves to a lower level in the employee’s job class series other than through bumping.
 3. Appointment to a position in another job class series.
 4. Appointment to a nonpermanent position.
- b. The relevant status, step placement, probationary period and personnel action needed for each of these is as follows:

Type of Movement	Status	Merit Anniversary Date	Step Placement	Type of Personnel Action
(1) Displacement through bumping	Same	Same	Same	Demotion (DM)
(2) Voluntary demotion – not bumping	PR or PE	Adjusted for LWOP if PE, to follow PR period if PR	Earned, best reflects service or other approved by division of personnel	Voluntary Demotion (DM)
(3) Appointment to another job class	PR	Follows PR period	As provided by SU contract or Personnel Rules	Appointment (AP), Promotion (PR), or Demotion (DM)
(4) Appointment to nonpermanent position	PJ, PS, PT, TJ, TS, or TT	N/A	As provided by SU contract or Personnel Rules	Appointment (AP)

- c. Article 17.1.C provides limited layoff rights when an employee accepts a change in status in lieu of layoff.

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6. Restriction of Conditions For Recall

- a. A laid off employee may restrict the conditions under which the employee will be available for recall. An employee or laid off employee wishing to be on the layoff list for different locations must provide written notice to Management Services, who shall forward the request to the Employee Services Section of the division of personnel. The Conditions of Employment Upon Return from Layoff form (Addendum G) is used for this purpose.
- b. The conditions are limited to department, location and status of employment with two exceptions:
 - 1) First, in instances in which a job class has formal, distinct options under one job class title and is so certified in Workplace Alaska, recall rights may be restricted to specific options (other than from which laid off) by the employee. It is important that laid off employees who are in these "option" job classes have this exception explained to them.
 - 2) Second, in instances in which an employee has accepted a change in status in lieu of layoff, the employee is limited to the position status from which laid off.
- c. The employer will request information concerning restrictions of conditions of availability from each employee at the time of layoff.
- d. If an employee does not file a written statement concerning restrictions of conditions of availability, the employer will place the employee on the layoff list for the location, department, and status of the position from which laid off. If distinct options exist, the employee will be placed on the list for all options.

G Recall of a Laid off Employee

A laid off employee must receive written notification recalling them to work. A copy of the written notification must be sent to the Employee Services Section in the division of personnel at the same time the original notification is sent to the employee.

1. Probationary Period Outstanding

A laid off employee who returns to work in the same job class from which layoff occurred is treated as if the intervening time were approved leave without pay. The status at the time of layoff is restored.

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- a. If the employee was probationary, the employee will be subject to continuing the probationary period only as necessary to complete it. The remaining portion of the probationary period is determined by extending the period one month for every twenty-three (23) working days that the employee was not working as a probationary employee in the job class.
- b. If the employee was permanent, the merit anniversary date is similarly adjusted one month for every twenty-three (23) working days that the employee was off work.

2. Recall of a Laid off Employee on Active Military Duty under USERRA

- a. A laid off employee on active military duty under USERRA is recalled to work in accordance with the recall language in the SU collective bargaining agreement.
 - b. When a laid off employee is recalled to work while on active military duty under USERRA, the employee is not required to report to work until the active military duty has ended.
 - b. The position to which the employee has been recalled may be filled with either a nonpermanent substitute appointment or a permanent substitute appointment until the employee returns from active military duty. The Department of Labor must be contacted before the substitute appointment is made.
3. An employee who is working in a lower range job is entitled to at least the former step placement when recalled to the job class from which laid off. Should the normal rules of step placement not provide for at least that step, requests for approval of a higher step placement are submitted to the director of the division of personnel.
 4. A laid off employee who receives an offer consistent with the employee's designated conditions of availability at the time the employee's name was certified must accept that offer or lose all layoff rights.
 5. For any recall from layoff that entails a change of duty station, the employee may be responsible for any travel or moving expenses incurred, at the discretion of the appointing authority.

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H. Employees in Leave Without Pay Status Facing Layoff

1. Layoff Status

- a. An employee who is in leave without pay status may be placed in layoff.
- b. This includes seasonal employees in seasonal leave without pay status.
 - 1) An employee who is in a position indicated as seasonal is considered to be a seasonal employee.
 - 2) An employee who is job sharing a full-time position on a seasonal basis is also considered to be a seasonal employee.
- c. A seasonal employee remains the incumbent of the position and is not laid off during the period of leave without pay. When the work resumes, the employee is expected to return.

2. Leave

When an employee is placed on layoff, all remaining annual/personal leave shall be paid out in accordance with the SU collective bargaining agreement.

3. Benefits

- a. Health insurance coverage ends at the end of the month during which an employee last worked.
- b. Information regarding continuation options is available from the Division of Retirement and Benefits.

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IV. Layoff Procedures for the Confidential Unit

The Confidential Unit (CEA) collective bargaining agreement will be used in conjunction with this section of the SOP.

A. Layoff Occurs When...

An appointing authority may lay off an employee in the Confidential Unit (CEA) for the following reasons:

1. The employee holds a permanent substitute appointment.
2. A position is abolished.
3. There is a shortage of work.
4. There is a shortage of funds.
5. There are other reasons outside the employee's control.

A layoff does not reflect discredit on the service of the employee.

B. Organizational Units for Layoff Purposes

All departments must have organizational units for layoff purposes approved by the division of personnel. Employees may only be laid off using approved organizational units.

1. Basic Subdivision of Department

The basic subdivision of departments into organizational units for layoff purposes is:

- a. Division
- b. Location
- c. Job classification
- d. Position status

These subdivisions apply solely within each bargaining unit.

2. Other Subdivisions

An appointing authority may propose other subdivisions of an agency into organizational units for purposes of layoff by submitting a written plan for subdivision, other than that described above, to the director of the division of personnel, in accordance with 2 AAC 07.800.

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- a. Organizational units may be recognized on the basis of geographic area, function or class of employment, and may be different for different classes and types of employment.
- b. The types of employment are full-time, part-time and seasonal. *(2 AAC 07.800(a)).*
 - 1) For layoff unit purposes, a part-time employee is one whose regularly scheduled hours are less than 37.5 (or 40) hours per week.
 - 2) Employees who are job sharing will be considered either part-time or seasonal depending on whether they work part of a week or part of a year, e.g., six months each year or 20 hours per week.
- c. Records of other approved subdivisions are maintained by the division of personnel.
- d. An organizational unit should be approved at least 30 days before the effective date of layoff of any employee.
- e. Notice of an organizational unit change is required when:
 - 1) The name of the organizational unit changes.
 - 2) An organizational unit is abolished.
 - 3) A new organizational unit is created.
 - 4) An organizational unit moves to a different department.
- f. Notice of an organizational unit change is not required when:
 - 1) A position or positions are added to the organizational unit.
 - 2) A position or positions are deleted from the organizational unit.
 - 3) The organizational chart is changed to reflect restructuring of the unit.
- g. The director of the division of personnel will notify the agency when the organizational layoff unit is approved or disapproved.
- h. The director shall notify the appointing authority of recognized organizational units, and those units must be used thereafter as a basis for layoff. The appointing authority shall post a copy of the notice of recognition and shall distribute copies of the notice to affected employees *(2 AAC 07.800(b)).*

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- i. The director may withdraw recognition of organizational units created under this section upon notice to the appointing authority at any time the director determines that withdrawal of recognition is in the best interest of the State service (2 AAC 07.800(c)).
- j. Copies of approved organizational units will be provided by the division of personnel to the union simultaneously with notice to the agency.

C. Order of Layoff

In instances where computation of layoff points and the establishment of a layoff order are required, the director of the division of personnel shall certify the list to the appointing authority with copy to the Union. This authority may be delegated. In situations of delegated authority, the division of personnel may verify this SOP has been followed. The official personnel file located in the Employee Records Section of the division of personnel must be used when calculating layoff points.

Layoff points are computed even if establishment of the order of layoff is not required due to a single incumbent in the organizational unit for layoff purposes and, if applicable, no employees in a bumping pool.

Letters of Agreement relevant to layoff/recall may exist. An agency with delegated authority to compute layoff points and establish a layoff order must contact the Division of Labor Relations in the Department of Administration prior to beginning either process to determine if related letters exist.

1. Order of Layoff Request

Address requests to establish the order of layoff to the supervisor of the Employee Services Section. Agencies which have been delegated authority to establish orders of layoff may use some other method of initiating this process.

- a. The request must specify the organizational unit (division, location, class, and status or other approved unit) and bargaining unit in which layoff is targeted.
- b. The request must also identify any employee entitled to Super Seniority.

2. Computation of Layoff Points

The order of layoff is based on the total length of probationary/permanent service.

The method of calculation of employee layoff points is established by the director of the division of personnel.

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Layoff points are calculated for all employees in the organizational unit through the date the layoff list is prepared in order to establish the order of layoff. Upon implementation of layoff, layoff points for all laid off employees are recalculated to reflect their actual length of service. Layoff point calculations must be verified by a second individual.

3. Identifying Employees in Organizational Units for Layoff Purposes

- a. Upon receipt of a request to establish the order of layoff for an organizational unit, the first action is to confirm the unit has been properly identified as the currently approved unit by comparison with the record of approved units described in Section B above.
- b. The next step is to identify the employees in the unit.
- c. Primary resources consist of the Vacancy Analysis (RO) reports by job class and by division and the on-line Workforce Planning and Development system (WorkPaD).
- d. For layoff of a seasonal position, employees on seasonal leave without pay (SLWOP) are included with the rest of the unit and must be identified.
- e. Job share incumbents are treated according to their work schedule rather than the budgeted status of the position.
- f. Any question about who is in an organizational unit for layoff purposes should be resolved by the requesting agency, in writing.

4. Tie Breakers

The tie breakers described below apply when two employees have the same layoff points.

- a. **Veteran's Preference.** AS 39.25.159 provides that a veteran, prisoner of war, or member of the national guard shall be kept on the job in a layoff situation in preference to an equally qualified person who is not a veteran, former prisoner of war, or member of the national guard. See AS 39.25.159(d) for the definitions of "veteran," "disabled veteran," and "prisoner of war." See AS 39.25.159(c) for the definition of "member of the national guard."
- b. **Employer Discretion.** If a tie remains after application of all other tie breakers specified in a collective bargaining agreement, the choice of employee to be laid off is at the discretion of the employer.

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The following chart indicates the order of use of tie breakers for the Confidential Unit. The number “1” indicates the first tie breaker used, “2” indicates the second, and so forth.

Unit	Vet	Employer Discretion
CEA	1	2

5. Calculating Length of State Service

Length of State service is computed as the total of all periods of employment in probationary or permanent status, whether connected or unconnected. The number of months of service is determined by use of an EXCEL spreadsheet.

Addendum A provides instructions for calculating length of service and using the spreadsheet.

Addendum B is the EXCEL spreadsheet.

6. Super Seniority

Those employees entitled to super seniority under the terms of the CEA agreement shall head the seniority list and shall be the last to be laid off in the organizational unit.

- a. The CEA collective bargaining agreement identifies criteria that must be met to be eligible for super seniority.
- b. The union provides a list of those employees to the Division of Labor Relations in the Department of Administration and to the Management Services Section.
- c. When super seniority applies to a layoff situation, verify information is accurate and up-to-date before applying super seniority to order of layoff.

7. Production of Orders of Layoff

- a. The Employee Services Section will normally be able to prepare the order of layoff in five to ten working days, depending on the number of employees involved in the calculations and the number of pending requests.
- b. Formal written notification of the order of layoff is given to the Employee Services Section, Management Services, and the union. See form memorandum in *Addendum C*.

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- c. Departments that have accepted delegated authority to produce orders of layoff must provide a copy of the order of layoff and the completed layoff calculation Excel document for each employee to be laid off to the designated layoff contact from the Employee Services section in the division of personnel at least 10 working days before the effective date of layoff.
- d. The Layoff Order # is entered as follows:
- DDNN.CY where DD is the department number, NN is the sequential number of the list issued during the calendar year, and CY is the last two digits of the calendar year. For example, the third order of layoff issued in 2002 for the Department of Revenue is Layoff Order # 0403.02.
- e. Employees will be listed in order of ascending points.
- 1) The employee listed first would have the lowest number of layoff points and would be first to be laid off, the second employee second, etc.
 - 2) Where super seniority applies as described above, the employee must head the seniority list.
 - 3) Where ties have been broken as described under “Tie Breakers” above, the results must be shown in the listing.
 - 4) Where ties remain, the employees will all be listed with the same order number.
- f. In the case of a single position organizational unit for layoff purposes, formal written certification of the order of layoff is required in order to insure documentation of the propriety of the action and because layoff points will be required later for recall.
- g. The order of layoff and the layoff point calculations must be verified by a second reviewer who certifies the accuracy of the order of layoff and the layoff point calculations before the information is sent to the division of personnel and before any layoff actions are taken.
- h. The division of personnel may perform an independent certification of the order of layoff and the layoff point calculations at any time.

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D. Notification

1. Prior to issuing a layoff notice to a permanent or probationary employee, agencies are responsible for separating any emergency, provisional, or nonpermanent employees consistent with the requirements of the CEA collective bargaining agreement (Article 21.01.B) and the Personnel Rules. Normally, emergency, nonpermanent, and provisional

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employees are terminated in that order.

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2. In every case of layoff of any permanent classified employee, the appointing authority shall make every effort to give written notice to the employee at least thirty (30) calendar days in advance of the effective day of the layoff. The appointing authority shall give at least two (2) weeks written notice.
3. In every case of layoff of any probationary classified employee, the appointing authority shall make every effort to give written notice to the employee at least two (2) weeks in advance of the effective date of layoff.
4. The layoff notification must be in writing and must contain the following:
 - a. The reason(s) for the layoff.
 - b. The information that the employee will be placed on the layoff list for the job class, position type, and location in which the layoff occurred.

Addendum D is a guide memorandum for use in notifying employees of layoff.

Addendum E contains a sample memorandum notifying an employee subject to bumping of that possibility.

Addendum F is the conditions upon return from layoff form to be attached to the notification of layoff.
5. A copy of the layoff notice must be attached to the division of personnel's copy of the Personnel Action effecting the layoff, whether it is a separation or other action.
 - a. The Remarks section should include the standard PA comments language and also state any other action occurring (such as change in status or voluntary demotion is lieu of layoff).
 - b. See Addendum H for PA comments language.

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6. The following documents must be received by the Employee Services Section in the division of personnel before the effective date of layoff:
 - a. Original personnel action or a screen print from AKPAY (screen print must be followed by the original personnel action within 5 working days).
 - b. Layoff notice.
 - c. Layoff points (electronic file).
 - d. Conditions of Employment Upon Return from Layoff form (if completed). This form is Addendum E.
7. The division of personnel will be responsible for the placement of laid off employees in Workplace Alaska as appropriate.

E Other Considerations

1. After all appropriate emergency, nonpermanent, and provisional employees have been terminated by an agency, there may be necessary work that may be assigned to the employee facing layoff. Bargaining unit lines are not determinative. The kind, level and geographic location of such work is a matter that should be discussed by Management Services with the employee.
2. The possibility of accepting a voluntary demotion offered concurrent with the actual layoff in lieu of layoff should not be overlooked. An employee who accepts such a demotion retains certain rights.
3. The names of permanent or probationary employees who are voluntarily demoted under these circumstances will be placed on the appropriate layoff list for the class from which demoted. They will remain on the list for the appropriate period or until appointed to a position at or above the salary range from which demoted, whichever comes first.
2. Managers may wish to consider one or more alternative work arrangements to minimize the impact of layoff.
 - a. Job Sharing--this could be on a daily or weekly basis or six months of the year.
 - b. Working part-time (less than 37.5 hours per week).
 - c. Working on a seasonal basis for a specific period of time. The remainder of the year would be taken as seasonal leave without pay.

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- d. Approved leave without pay for a specific time period.
- e. Voluntary layoff (out of order). Note: Labor Relations in the Department of Administration must be contacted before this option can be offered.
- f. Voluntary demotion in lieu of layoff or appointment to a lower class in another class series.

F Rights of Laid off Employees

1. Layoff Lists

A laid off CEA employee is placed on the layoff list for certification purposes for a period of three (3) years.

- a. The order of return from layoff within the job class of the position to be filled is:
 - 1) laid off employees from the organizational unit
 - 2) laid off employees from the department
 - 3) laid off employees statewide
- b. Article 20.06 provides for the return of a laid off employee to a reclassified position before the promotion of the incumbent.
- c. For the Confidential Unit, within (a)(1) above, the order of return is the reverse of the order of layoff. Within (a)(2) and (3) above, the employer may select from among the laid off employees.
- d. Article 21.04 has provisions for the return of laid off employees to a successor job class or a band within a broadbanded job classification.
- e. It is not until all laid off employees have been certified one at a time and are not available or otherwise decline the position that the use of Workplace Alaska or a noncompetitive appointment process will be authorized.
- f. An employee laid off in a job class that has positions in a bargaining unit other than CEA may apply for non-CEA positions through Workplace Alaska as a rehire.

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2. Leave

- a. No loss of earned leave or other earned benefits shall occur during the period a laid off employee has layoff rights.
- b. Accrued personal leave is paid off in a lump sum payment upon layoff. The departmental payroll section handles the necessary payment paperwork.
- d. Return to work in a probationary or permanent status any time within the three (3) year layoff period restores any sick leave balance.
- e. If the layoff did not result in separation (status layoff, displacement or demotion in lieu of layoff), earned leave and other earned benefits continue to apply based on the current employment status.

3. Insurance Coverage

A laid off employee may elect to continue health and life insurance coverage. Information regarding continuation options and payment requirements are available from the Division of Retirement and Benefits.

4. PERS, SBS, and Deferred Compensation

- a. An employee with layoff rights is still an employee ("inactive member") for retirement purposes. AS 39.35.680(20). Therefore:
 - 1) Retirement contributions must remain in the PERS system.
 - 2) Laid-off employees must formally resign from State service, thus losing their layoff rights, if they want a PERS retirement contributions refund.
 - 3) Formal notice of resignation must be provided to the department from which the employee was laid off to allow for the employee's removal from layoff.
 - 4) Resignation forfeits the employee's right to other benefits of employment (sick leave balance, insurance maintenance, etc.).
- b. Under certain circumstances, employees in layoff status may apply for refund of their SBS annuity account contributions. Payments can be made after the employee has been in layoff status for 60 days.
- e. Under certain circumstances, employees in layoff status may apply for refund of their Deferred Compensation account contributions. Payments can be made after the employee has been in layoff status for 60 days.

See Addendum L for additional information on PERS, SBS, and Deferred Compensation for laid off employees.

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5. Movement to a Different Job Class while Retaining Layoff Rights

- a. A laid off employee may move to a job class other than that from which laid off either upon layoff or following a break in service and retain recall rights in any of the following ways:
 - 1) Voluntary demotion if the employee moves to a lower level in the employee's job class series other than through bumping.
 - 2) Appointment to a lower class in another job class series.
 - 3) Appointment to a nonpermanent position.
- b. The relevant status, step placement, probationary period and personnel action needed for each of these is as follows:

Type of Movement	Status	Merit Anniversary Date	Step Placement	Type of Personnel Action
(1) Voluntary demotion – not bumping	PR or PE	Adjusted for LWOP if PE, to follow PR period if PR	Earned, best reflects service, or other approved by division of personnel	Voluntary Demotion (DM)
(2) Appointment to a lower class in different series	PR	Follows PR period	As provided by CEA contract or Personnel Rules	Demotion (DM)
(3) Appointment to nonpermanent position	PJ, PS, PT, TJ, TS, or TT	N/A	As provided by CEA contract or Personnel Rules	Appointment (AP)

6. A laid off employee who takes a permanent job at a salary range equal to or greater than the job class from which laid off will lose layoff rights regardless of whether the job is full-time, seasonal, or part-time.

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7. Nonpermanent Appointment

Personnel Actions effecting a nonpermanent appointment while the employee has layoff rights will not affect those rights. See Article 21.1.C:

- a. Prior to establishing a nonpermanent position in the Confidential Bargaining Unit qualified bargaining unit members on layoff must be offered the opportunity to perform the work. Positions must be offered first to employees on layoff in the following order:
 - 1) from the job class and organizational unit
 - 2) from the department,
 - 3) from other departments.
- b. Employees laid off from the Confidential Bargaining Unit may indicate their interest in nonpermanent positions.

8. Restriction of Conditions For Recall

- a. A laid off employee may restrict the conditions under which the employee will be available for recall. An employee or laid off employee wishing to be on the layoff list for different locations must provide written notice to Management Services, who shall forward the request to the Employee Services Section of the division of personnel. The Conditions of Employment Upon Return from Layoff form (*Addendum F*) is used for this purpose.
- b. The conditions are limited to department, location and status of employment with one exception:
 - 1) In instances in which a job class has formal, distinct options under one job class title and is so certified in Workplace Alaska, recall rights may be restricted to specific options (other than from which laid off) by the employee. It is important that laid off employees who are in these "option" job classes have this exception explained to them.
- c. The employer will request information concerning restrictions of conditions of availability from each employee at the time of layoff.
 - e. If an employee does not file a written statement concerning restrictions of conditions of availability, the employer will place the employee on the layoff list for the location, department, and status of the position from which laid off. If distinct options exist, the

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employee will be placed on the list for all options.

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G. Recall of a Laid off Employee

A laid off employee must receive written notification recalling them to work. A copy of the written notification must be sent to the Employee Services Section in the division of personnel at the same time the original notification is sent to the employee.

1. Probationary Period Outstanding

A laid off employee who returns to work in the same job class from which layoff occurred is treated as if the intervening time were approved leave without pay. The status at the time of layoff is restored.

- a. If the employee was probationary, the employee will be subject to continuing the probationary period only as necessary to complete it. The remaining portion of the probationary period is determined by extending the period one month for every twenty-three working days that the employee was not working as a probationary employee in the job class.
- b. If the employee was permanent, the merit anniversary date is similarly adjusted one month for every twenty-three working days that the employee was off work.

2. Recall of a Laid off Employee on Active Military Duty under USERRA

- a. A laid off employee on active military duty under USERRA is recalled to work in accordance with the recall language in the SU collective bargaining agreement.
 - b. When a laid off employee is recalled to work while on active military duty under USERRA, the employee is not required to report to work until the active military duty has ended.
 - b. The position to which the employee has been recalled may be filled with either a nonpermanent substitute appointment or a permanent substitute appointment until the employee returns from active military duty. Division of Labor Relations in the Department of Administration must be contacted before the substitute appointment is made.
3. An employee who is working in a lower range job is entitled to at least the former step placement when recalled to the job class from which laid off. Should the normal rules of step placement not provide for at least that step, requests for approval of a higher step placement are submitted to the director of the division of personnel.
4. Employees laid off from the Confidential Bargaining Unit may decline to interview or decline to accept a position without loss of layoff rights in accordance with Article 21.04.

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5. For any recall from layoff which entails a change of duty station, the employee may be responsible for any travel or moving expenses incurred, at the discretion of the appointing authority.

H. Employees in Leave Without Pay Status Facing Layoff

1. Layoff Status

- a. An employee who is in leave without pay status may be placed in layoff.
- b. This includes seasonal employees in seasonal leave without pay status.
 - 1) An employee who is in a position indicated as seasonal is considered to be a seasonal employee.
 - 2) An employee who is job sharing a full-time position on a seasonal basis is also considered to be a seasonal employee.
- c. A seasonal employee remains the incumbent of the position and is not laid off during the period of leave without pay. When the work resumes, the employee is expected to return.

2. Leave

When an employee is placed on layoff, all remaining annual/personal leave shall be paid out in accordance with the CEA collective bargaining agreement.

3. Benefits

- a. Health insurance coverage ends at the end of the month during which an employee last worked.
- b. Information regarding continuation options are available from the Division of Retirement and Benefits.

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V. Layoff Procedures for the Labor, Trades, and Crafts Unit

The Labor, Trades, and Crafts (LTC) Unit collective bargaining agreement will be used in conjunction with this section of the SOP.

A. Layoff Occurs When...

An appointing authority may lay off an employee in the Labor, Trades, and Crafts Unit (LTC) for the following reasons:

1. The employee holds a permanent substitute appointment.
2. A position is abolished.
3. There is a shortage of work.
4. There is a shortage of funds.
5. There are other reasons outside the employee's control.

A layoff does not reflect discredit on the service of the employee.

B. Organizational Units for Layoff Purposes

Organizational units are defined by the LTC bargaining unit contract.

C. Order of Layoff / Seniority Lists

Each department employing LTC bargaining unit members shall: furnish lists of all employees by seniority date including their classification every six (6) months by duty station. The seniority lists are forwarded to the Business Manager no later than March 1 and September 1 of each year. (Article 22)

Position status (full-time, part-time, seasonal) is not a factor in determining LTC layoff.

Seniority points are recalculated at the time of layoff.

Letters of Agreement relevant to layoff/recall may exist. An agency with delegated authority to establish seniority lists must contact the Division of Labor Relations in the Department of Administration prior to beginning a layoff process to determine if related Letters exist.

1. Computation of Seniority lists

The order of layoff is based on duty station seniority as defined in the LTC contract article 22.

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2. Identifying Employees in Organizational Units for Layoff Purposes

- a. Upon receipt of a request to effect a layoff in an organizational unit, the first action is to identify the employees in the unit.
- b. Primary resources for validating seniority include AKPAY and the employing department's personnel file.
- c. Job share incumbents are treated according to their work schedule rather than the budgeted status of the position.
- d. Any question about who is in an organizational unit for layoff purposes should be resolved by the Division of Labor Relations.
- e. Established seniority lists are validated and updated if necessary to determine the proper seniority order.

3. Leave Without Pay Effecting Seniority Date

Article 22 states, "Employees who are on leave without pay for under thirty (30) consecutive days shall maintain their same seniority date. Employees on leave without pay for over thirty (30) consecutive days shall have their seniority date adjusted according to the days over thirty (30) in leave without pay status, except as specifically provided in other sections of this Agreement."

4. Production of Orders of Layoff / Seniority Lists

- a. Departments that have accepted delegated authority to produce seniority lists must provide a copy of the seniority list and the document for each employee to be laid off to the designated layoff contact from the Employee Services section in the division of personnel concurrent with the notification to the employee.
- b. Employees will be listed in order of descending duty station seniority. The employee listed last would have the least amount of seniority number and would be first to be laid off, the second employee second, etc.
- c. The division of personnel may perform an independent audit of the seniority list calculations at any time.
- d. Layoffs are made in the reverse order of duty station seniority from among those in the job classification in which the layoff occurs. (Article 22.04A)

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- e. An LTC employee may exercise bumping rights to a lower classification in the same class series at the employee's duty station provided the employee is qualified to perform the tasks of a lower classification and is not the least senior in the lower classification. The employee will assume the wage level of the lower classification. (Article 22.04.B)
- f. When an employee is promoted, voluntarily demoted in lieu of layoff, or transferred outside of the employee's occupational series at the employee's duty station, the employee retains seniority in the classification the employee left for two (2) years. (Article 22.04.C)

D. Notification

- 1. Prior to issuing a layoff notice to a permanent or probationary employee, agencies are responsible for separating any emergency, nonpermanent, or provisional employees consistent with the requirements of the Personnel Rules. Normally, emergency, nonpermanent, and provisional employees are terminated in that order.
- 2. Departments must notify LTC employees in year-round service two weeks prior to layoff or pay two weeks pay in lieu thereof.
- 3. Departments must make every effort to provide employees in seasonal service with two weeks notice prior to layoff.
- 4. Departments will notify Local #71 in writing of all layoffs concurrent with the notice given to the affected employees. See Addendum I for an example layoff notice.
- 5. The layoff notification must state the reasons for the layoff. (Article 8.04)
- 6. A copy of the layoff notice must be attached to the division of personnel's copy of the Personnel Action effecting the layoff, whether it is a separation or other action.
- 7. The remarks section should include the standard PA comments language and also state any other action occurring (such as change in status or voluntary demotion in lieu of layoff).

See Addendum H for PA comments language.

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E. Other Considerations

1. After appropriate emergency, nonpermanent, and provisional employees have been terminated by an agency, there may be necessary work that may be assigned to the employee facing layoff. Bargaining unit lines are not determinative. The kind, level and geographic location of such work is a matter that should be discussed by the Management Services Section with the employee.
2. Managers may wish to consider one or more alternative work arrangements to minimize the impact of layoff.
 - a. Job Sharing--this could be on a daily or weekly basis or six months of the year.
 - b. Working part-time (less than 37.5 hours per week).
 - c. Working on a seasonal basis for a specific period of time. The remainder of the year would be taken as seasonal leave without pay.
 - d. Approved leave without pay for a specific time period.
 - e. Voluntary layoff (out of order). Note: Labor Relations must be contacted before this option can be offered.
 - f. Voluntary demotion in lieu of layoff or appointment to a lower class in another class series.

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F. Rights of Laid off Employees

1. Seniority Lists

A laid off LTC employee remains on the seniority list for a period of two (2) years.

2. Leave

- a. No loss of earned leave or other earned benefits shall occur during the period a laid off employee has layoff rights.
- b. All remaining personal leave shall be paid out in accordance with the LTC collective bargaining agreement. The departmental payroll section handles the necessary payment paperwork.

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- c. If the layoff did not result in separation (status layoff, displacement or demotion in lieu of layoff), earned leave and other earned benefits continue to apply based on the current employment status.

3. Insurance Coverage

- a. Health insurance coverage ends at the end of the month during which an employee last worked. Information regarding continuation of health insurance is available from the LTC bargaining unit health trust.
- b. Information regarding continuation of other benefit options is available from the Division of Retirement and Benefits.

4. PERS, SBS, and Deferred Compensation

- a. An employee with layoff rights is still an employee ("inactive member") for retirement purposes. AS 39.35.680(20). Therefore:
 - 1) Retirement contributions must remain in the PERS system.
 - 2) Laid-off employees must formally resign from State service, thus losing their layoff rights, if they want a PERS retirement contributions refund.
 - 3) Formal notice of resignation must be provided to the department from which the employee was laid off to allow for the employee's removal from layoff.
 - 4) Resignation forfeits the employee's right to other benefits of employment (personal leave balance, insurance maintenance, etc.).
- b. Under certain circumstances, employees in layoff status may apply for refund of their SBS annuity account contributions. Payments can be made after the employee has been in layoff status for 60 days.
- c. Under certain circumstances, employees in layoff status may apply for refund of their Deferred Compensation account contributions. Payments can be made after the employee has been in layoff status for 60 days.

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5. Movement to a Different Job while Retaining Layoff Rights

- a. A laid off employee may move to a job class other than that from which laid off either upon layoff or following a break in service and retain recall rights in any of the following ways:
 - 1) Displacement of an employee in a lower classification in the same class series (a.k.a., bumping).
 - 2) Voluntary demotion if the employee moves to a lower level in the employee's old job class series other than through bumping.
 - 3) Appointment to a lower class in another class series, within the same bargaining unit and duty station.
 - 4) Appointment to a nonpermanent position.

- b. The relevant status, step placement, probationary period and PA action needed for each of these is as follows:

Type of Movement	Status	Merit Anniversary Date	Step Placement	Type of Personnel Action
(1) Displacement through bumping	Same	Same	Same	Demotion (DM)
(2) Voluntary demotion – not bumping	PR or PE	Adjusted for LWOP if PE, to follow PR period if PR	As provided by LTC contract or Personnel Rules	Voluntary Demotion (DM)
(3) Appointment to lower class in different series	PR	Follows PR Period	As provided by LTC contract or Personnel Rules	Demotion (DM)
(4) Appointment to nonpermanent position	PJ, PS, PT, TJ, TS, or TT	N/A	As provided by LTC contract or Personnel Rules	Appointment (AP)

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6. A laid off employee who takes a permanent job at a salary range equal to or greater than the old job class will lose layoff rights regardless of whether the job is full-time, seasonal, or part-time.
7. Employees who exercised their bumping rights retain their recall rights to the classification from which they were laid off for a period of two (2) years.
8. Employees who voluntarily demote or transfer outside their classification series to another classification at the same duty station retain recall rights to the classification they vacated for a period of two (2) years.
9. Seniority will be broken when a bargaining unit member changes duty stations or leave the bargaining unit in accordance with the LTC contract article 22.06.

G. Recall of a Laid off Employee

A laid off employee must receive written notification recalling them to work. A copy of the written notification must be sent to the Employee Services Section in the division of personnel at the same time the original notification is sent to the employee.

1. Probationary Period Outstanding

A laid off employee who returns to work in the same job class from which layoff occurred is treated as if the intervening time were approved leave without pay. The status at the time of layoff is restored.

- a. If the employee was probationary, the employee will be subject to continuing the probationary period only as necessary to complete it. The remaining portion of the probationary period is determined by extending the period one month for every twenty-three working days that the employee was not working as a probationary employee in the job class.
- b. If the employee was permanent, the merit anniversary date is similarly adjusted one month for every twenty-three working days that the employee was off work.

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H. Employees in Leave Without Pay Status Facing Layoff

1. Layoff Status

- a. An employee who is in leave without pay status may be placed in layoff.
- b. This includes seasonal employees in seasonal leave without pay status.
 - 1) An employee who is in a position indicated as seasonal is considered to be a seasonal employee.
 - 2) An employee who is job sharing a full-time position on a seasonal basis is also considered to be a seasonal employee.
- c. In the LTC unit, seasonal employees are laid off in accordance with seniority provisions.
- d. LTC employees are placed on seasonal leave without pay (SLWOP) at the end of the work season. Their status under the collective bargaining agreement is layoff.

2. Leave

- a. When an employee is placed on layoff, all remaining personal leave shall be paid out in accordance with the LTC collective bargaining agreement. (Article 19.05)
- b. When an employee is placed on seasonal leave without pay, the employee may elect to either cash out all remaining personal leave or elect to retain up to 150 hours of personal leave for use upon return to work. (Article 19.05)

3. Benefits

- a. Health insurance coverage ends at the end of the month during which an employee last worked. Information regarding continuation of health insurance is available from the LTC health trust.
- b. Information regarding continuation of other benefit options is available from the Division of Retirement and Benefits.

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VI. Layoff Procedures for the Public Safety Officers Unit

The Public Safety Officers' Unit collective bargaining agreement will be used in conjunction with this section of the SOP.

A. Layoff Occurs When...

An appointing authority may lay off an employee in the Public Safety Officers Unit (PSO) for the following reasons:

1. The employee holds a permanent substitute appointment.
2. A position is abolished.
3. There is a shortage of work.
4. There is a shortage of funds.
5. There are other reasons outside the employee's control.

A layoff does not reflect discredit on the service of the employee.

B. Organizational Units for Layoff Purposes

The organizational units are defined by the PSO collective bargaining agreement.

C. Order of Layoff / Seniority Lists

The Departments of Public Safety and Transportation and Public Facilities keep and update seniority lists as specified in Article 11, Sections 1, 2, and 3.

The seniority lists establish the order of layoff with the least senior member being laid off or reduced in rank first, in accordance with the PSO contract language.

Establishment of seniority lists is delegated in accordance with the PSO contract. In situations of delegated by the contracts, the division of personnel may verify this SOP has been followed.

Letters of Agreement relevant to layoff/recall may exist. An agency with delegated authority to establish seniority lists must contact Labor Relations in the Department of Administration prior to beginning a layoff process to determine if related Letters exist.

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1. Identifying Employees in Organizational Units for Layoff Purposes

- a. The first action is to confirm the unit has been properly identified as the currently approved unit by comparison with the record of approved units described in Section B above.
- b. The next step is to identify the employees in the unit.
- c. Any question about who is in an organizational unit for layoff purposes should be resolved by the Division of Labor Relations.

2. Tie Breakers –

In accordance with LOA No. 01.AA.201, classification seniority ties are broken by:

- a. For those member hired with previous law enforcement experience who are not required to attend to full academy:

First: Alaska Policy Standards council date of certification, (Police Certification)

Second: Random drawing of names involved

Seniority ranking shall be established within thirty (30) days from date of hire.

- b. For those who are required to attend the full academy:

First: An average of the academics, handgun qualification, and the final physical fitness score at the Academy.

Second: Random drawing of names involved.

Seniority ranking shall be established within thirty (30) days after graduation from the academy.

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3. Production of Orders of Layoff / Seniority Lists

- a. Departments that have accepted delegated authority to produce seniority lists must provide a copy of the seniority lists for each employee to be laid off to the designated layoff contact from the Employee Services section in the division of personnel concurrent with the notification to the employee.
- b. Employees will be listed in seniority order.
 - 1) The employee listed last would have the least amount of seniority points.
 - 2) Where ties have been broken as described under “Tie Breakers” above, the results must be shown in the listing.
 - 3) Where ties remain, the employees will all be listed with the same order number.
 - 4) Layoff due to post reduction or closures may be an exception.
- c. The division of personnel may perform an independent audit of seniority lists at any time.

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D. Notification

1. In accordance with Article 11, Section 1, the Departments of Public Safety and Transportation and Public Facilities will twice yearly prepare and prominently post the appropriate bargaining unit seniority list.
2. In every case of layoff of any permanent or probationary classified employee, the appointing authority shall give written notice to the employee at least two (2) weeks in advance of the effective date of layoff.
3. The layoff notification must be in writing and must contain the reason(s) for layoff.
4. Should it be necessary to reduce the number of members within a classification, that member who is the lowest on the classification seniority list for the employing Division, for the Department of Public Safety, or that member who is lowest on the classification seniority list for the respective airport classification seniority list, shall be reduced to the next lower job classification. (Article 11, Section 10).

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5. A copy of the layoff notice must be attached to the division of personnel's copy of the Personnel Action effecting the layoff.
 - a. The Remarks section should include the standard PA comments language and also state any other action occurring (such as voluntary demotion in lieu of layoff).
 - b. See Addendum H for PA comments language.

E. Other Considerations

1. After appropriate nonpermanent, provisional and emergency employees have been terminated by an agency, there may be necessary work that may be assigned to the employee facing layoff. The kind, level and geographic location of such work is a matter that should be discussed by the Management Services Section with the employee.
2. Managers may wish to consider one or more alternative work arrangements to minimize the impact of layoff.
 - a. Job Sharing--this could be on a daily or weekly basis or six months of the year.
 - b. Working part-time (less than 37.5 hours per week).
 - c. Approved leave without pay for a specific time period.
 - d. Voluntary layoff (out of order). Note: Labor Relations must be contacted before this option can be offered.

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F. Rights of Laid off Employees

1. Seniority Lists

A laid off PSO employee remains on the seniority list for a period of two (2) years.

- a. Recall will be in the reverse order of layoff with the most senior member being recalled or restored to rank from which reduced first.
- b. An employee who has been reduced in classification shall have his/her name placed on a layoff list for the classification from which he/she was removed. When a position within the higher classification becomes available for filling that member highest on the classification layoff list shall be offered promotion to the classification before any other eligibles are considered. In such instances, the member who has been reduced in classification shall have his/her name placed on a layoff list for the classification from which he/she was removed. When a position with the higher classification becomes available for filling that member highest on the classification layoff list shall be offered promotion to the classification before any other eligibles are considered. (Article 11, Section10)
- c. It is not until all laid off employees have been certified one at a time and are not available or otherwise decline the position that the use of Workplace Alaska will be authorized.

2. Leave

- a. No loss of earned leave or other earned benefits shall occur during the period a laid off employee has layoff rights.
- b. All remaining personal leave shall be paid out in accordance with the PSO collective bargaining agreement. The departmental payroll section handles the necessary payment paperwork.
- c. Return to work in a probationary or permanent status any time within the two (2) year period restores any sick leave bank balance.

3. Insurance Coverage

- a. Health insurance coverage ends at the end of the month during which an employee last worked. Information regarding continuation of health insurance benefits is available for the PSO health trust.

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- b. Information regarding continuation of other benefit options is available from the Division of Retirement and Benefits.

4. PERS, SBS, and Deferred Compensation

- a. An employee with layoff rights is still an employee ("inactive member") for retirement purposes. AS 39.35.680(20). Therefore:
 - 1. Retirement contributions must remain in the PERS system.
 - 2. Laid-off employees must formally resign from State service, thus losing their layoff rights, if they want a PERS retirement contributions refund.
 - 3. Formal notice of resignation must be provided to the department from which the employee was laid off to allow for the employee's removal from layoff.
 - 4. Resignation forfeits the employee's right to other benefits of employment (sick leave balance, insurance maintenance, etc.).
- b. Under certain circumstances, employees in layoff status may apply for refund of their SBS annuity account contributions. Payments can be made after the employee has been in layoff status for 60 days.
- c. Under certain circumstances, employees in layoff status may apply for refund of their Deferred Compensation account contributions. Payments can be made after the employee has been in layoff status for 60 days.

See Addendum L for additional information on PERS, SBS, and Deferred Compensation for laid off employees.

5. Movement to a Different Job while Retaining Layoff Rights

- a. A laid off employee may move to a job class other than that from which laid off either upon layoff or following a break in service in any of the following ways:
 - 1) Reduction in rank.
 - 2) Appointment to a position in another job class.
 - 3) Appointment to a nonpermanent position.
- b. The relevant status, step placement, probationary period and personnel action needed for each of these is as follows:

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Type of Movement	Status	Merit Anniversary Date	Step Placement	Type of Personnel Action
(1) Reduction in rank	Same	Same	Same	Demotion (DM)
(2) Appointment to another job class	PR	Follows PR period	As provided by PSO contract or Personnel Rules	Appointment (AP), Promotion (PR), or Demotion (DM)
(3) Appointment to nonpermanent position	PJ, PS, PT, TJ, TS, or TT	N/A	As provided by PSO contract or Personnel Rules	Appointment (AP)

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G. Recall of a Laid off Employee

A laid off employee must receive written notification recalling them to work. A copy of the written notification must be sent to the Employee Services Section in the division of personnel at the same time the original notification is sent to the employee.

1. Probationary Period Outstanding

A laid off employee who returns to work in the same job class from which layoff occurred is treated as if the intervening time were approved leave without pay. The status at the time of layoff is restored.

- a. If the employee was probationary, the employee will be subject to continuing the probationary period only as necessary to complete it. The remaining portion of the probationary period is determined by extending the period one month for every twenty-three working days that the employee was not working as a probationary employee in the job class.
 - b. If the employee was permanent, the merit anniversary date is similarly adjusted one month for every twenty-three working days that the employee was off work.
2. An employee who is working in a lower range job is entitled to at least the former step placement when recalled to the job class from which laid off. Should the normal rules of step placement not provide for at least that step, requests for approval of a higher step placement are submitted to the director of the division of personnel.

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H. Employees in Leave Without Pay Status Facing Layoff

1. Layoff Status

An employee who is in leave without pay status may be placed in layoff.

2. Leave

When an employee is placed on layoff, all remaining personal leave shall be paid out in accordance with the PSO collective bargaining agreement.

3. Benefits

- a. Health insurance coverage ends at the end of the month during which an employee last worked. Information regarding continuation of health insurance coverage can be obtained through the PSO health trust.
- b. Information regarding continuation of other benefit options is available from the Division of Retirement and Benefits.

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VII. Layoff Procedures for the Correctional Officers Unit

The Correctional Officers Unit collective bargaining agreement will be used in conjunction with this section of the SOP.

A. Layoff Occurs When...

An appointing authority may lay off an employee in the Correctional Officers Unit (CO) for the following reasons:

1. The employee holds a permanent substitute appointment.
2. A position is abolished.
3. There is a shortage of work.
4. There is a shortage of funds.
5. There are other reasons outside the employee's control.

A layoff does not reflect discredit on the service of the employee.

B. Organizational Units for Layoff Purposes

All departments must have organizational units for layoff purposes approved by the division of personnel. Employees may only be laid off using approved organizational units.

1. Each Correctional Facility is a separate organizational unit.
2. The Training Academy and the Central Office Prisoner Transportation Unit are each a separate organizational unit.
3. The Department of Corrections keeps and updates seniority lists as specified in Articles 9.7 and 10.
4. These subdivisions apply solely within each bargaining unit.

C. Order of Layoff

Seniority lists establish the order of layoff with the least senior member in the organizational unit being laid off or reduced in rank first (Article 10.3).

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In instances where computation of layoff points and the establishment of a layoff order are required, the director of the division of personnel shall certify the list to the appointing authority. This authority may be delegated. In situations of delegated authority, the division of personnel may verify this SOP has been followed. The official personnel file located in the Employee Records Section of the division of personnel must be used when calculating layoff points.

Layoff points are computed even if establishment of the order of layoff is not required due to a single incumbent in the organizational unit for layoff purposes and, if applicable, no employees in a bumping pool.

Letters of Agreement relevant to layoff/recall may exist. An agency with delegated authority to compute layoff points and establish a layoff order must contact the Division of Labor Relations in the Department of Administration prior to beginning either process to determine if related Letters exist.

1. Order of Layoff Request

Address requests to establish the order of layoff to the supervisor of the Employee Services Section. Agencies which have been delegated authority to establish orders of layoff may use some other method of initiating this process.

The request must specify the organizational unit and bargaining unit in which layoff is targeted.

2. Computation of Layoff Points

The order of layoff is based on seniority (Article 9.7).

The method of calculation of employee layoff points is established by the director of the division of personnel.

Layoff points are calculated for all employees in the organizational unit through the date the layoff list is prepared in order to establish the order of layoff. Upon implementation of layoff, layoff points for all laid off employees are recalculated to reflect their actual length of service. Layoff point calculations must be verified by a second individual.

3. Identifying Employees in Organizational Units for Layoff Purposes

- a. Upon receipt of a request to establish the order of layoff for an organizational unit, the first action is to confirm the unit has been properly identified as the currently approved unit by comparison with the record of approved units described in Section B above.

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- b. The next step is to identify the employees in the unit.
- c. Primary resources consist of the Vacancy Analysis (RO) reports by job class and by division and the on-line Workforce Planning and Development system (WorkPaD).
- d. For layoff of a seasonal position, employees on seasonal leave without pay (SLWOP) are included with the rest of the unit and must be identified.
- e. Job share incumbents are treated according to their work schedule rather than the budgeted status of the position.
- f. Any question about who is in an organizational unit for layoff purposes should be resolved by the requesting agency, in writing.

4. Tie Breakers

The tie breakers described below apply when two employees have the same layoff points.

- a. **Veteran's Preference.** AS 39.25.159 provides that a veteran, prisoner of war, or member of the national guard shall be kept on the job in a layoff situation in preference to an equally qualified person who is not a veteran, former prisoner of war, or member of the national guard. See AS 39.25.159(d) for the definitions of "veteran," "disabled veteran," and "prisoner of war." See AS 39.25.159(c) for the definition of "member of the national guard."
- b. **Layoff Seniority.** Layoff seniority in the class from which laid off.
- c. **Employer's Discretion.** The employer may determine which of the tied bargaining unit members to lay off.

The following chart indicates the order of use of the tie breakers. The number "1" indicates the first tie breaker used, "2" indicates the second, and so forth.

Unit	Veteran	Layoff Seniority	Employer Discretion
CO	1	2	3

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5. Calculating Length of State Service

Length of State service is computed as the total of all periods of employment in probationary or permanent status, whether connected or unconnected. The number of months of service is determined by use of an EXCEL spreadsheet.

Addendum A provides instructions for calculating length of service and using the spreadsheet.

Addendum B is the EXCEL spreadsheet.

6. Production of Orders of Layoff

- a. The Employee Services Section will normally be able to prepare the order of layoff in five to ten working days, depending on the number of employees involved in the calculations and the number of pending requests.
- b. Formal written notification of the order of layoff is given to the Employee Services Section, the Management Services, and the union. See form memorandum in Addendum C.
- c. Departments that have accepted delegated authority to produce orders of layoff must provide a copy of the order of layoff and the completed layoff calculation Excel document for each employee to be laid off to the designated layoff contact from the Employee Programs section in the division of personnel at least 10 working days before the effective date of layoff.
- d. The Layoff Order # is entered as follows:

DDNN.CY where DD is the department number, NN is the sequential number of the list issued during the calendar year, and CY is the last two digits of the calendar year. For example, the third order of layoff issued in 2002 for the Department of Revenue is Layoff Order # 0403.02.

- e. Employees will be listed in order of ascending points.
 - 1) The employee listed first would have the lowest number of layoff points and would be first to be laid off, the second employee second, etc.
 - 2) Where ties have been broken as described under "Tie Breakers" above, the results must be shown in the listing.
 - 3) Where ties remain, the employees will all be listed with the same order number.

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- f. In the case of a single position organizational unit for layoff purposes, formal written certification of the order of layoff is required in order to insure documentation of the propriety of the action and because layoff points will be required later for recall.
- h. The order of layoff and the layoff point calculations must be verified by a second reviewer who certifies the accuracy of the order of layoff and the layoff point calculations before the information is sent to the division of personnel and before any layoff actions are taken.
- i. The division of personnel may perform an independent certification of the order of layoff and the layoff point calculations at any time.

D. Notification

- 1. Prior to issuing a layoff notice to a permanent or probationary employee, agencies are responsible for separating any emergency, provisional, or nonpermanent employees consistent with the requirements of the CO collective bargaining agreement and the Personnel Rules. Normally, emergency, nonpermanent, and provisional employees are terminated in that order.
- 2. In every case of layoff of any permanent classified employee, the appointing authority shall make every effort to give written notice to the employee at least thirty (30) calendar days in advance of the effective day of the layoff. The appointing authority shall give at least two (2) weeks written notice.
- 3. In every case of layoff of any probationary classified employee, the appointing authority shall make every effort to give written notice to the employee at least two (2) weeks in advance of the effective date of layoff.
- 4. The layoff notification must be in writing and contain the following:
 - a. The reason(s) for the layoff.
 - b. The information that the employee will be placed on the layoff list for the job class, position type, and location in which the layoff occurred.
- 5. Article 10.3 identifies employee bumping rights and conditions of displacement.

Addendum D is a guide memorandum for use in notifying employees of layoff.

Addendum E contains a sample memorandum notifying an employee subject to bumping of that possibility.

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Addendum F is the conditions upon return from layoff form to be attached to the notification of layoff.

6. A copy of the layoff notice must be attached to the division of personnel's copy of the Personnel Action from the layoff, whether it is a separation or other action.
 - a. The Remarks section should include the standard PA comments language and also state any other action occurring (such as voluntary demotion in lieu of layoff).
 - b. See *Addendum H* for PA comments language.
7. The following documents must be received by the Employee Services Section in the division of personnel before the effective date of layoff:
 - a. Original personnel action or a screen print from AKPAY (screen print must be followed by original personnel action within 5 working days).
 - b. Layoff notice.
 - c. Layoff points (electronic file).
 - d. Conditions of Employment Upon Return from Layoff form (if completed). This form is *Addendum F*.
8. The division of personnel will be responsible for the placement of laid off employees in Workplace Alaska as appropriate.

E. Other Considerations

1. After all appropriate emergency, nonpermanent, and provisional employees have been terminated by an agency, there may be necessary work that may be assigned to the employee facing layoff. The kind, level and geographic location of such work is a matter that should be discussed by Management Services with the employee.
2. The possibility of accepting a voluntary demotion offered concurrent with the actual layoff in lieu of layoff should not be overlooked. An employee who accepts such a demotion retains certain rights.
3. Managers may wish to consider one or more alternative work arrangements to minimize the impact of layoff.

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- a. Job Sharing--this could be on a daily or weekly basis or six months of the year.
- b. Working part-time (less than 37.5 hours per week).
- c. Working on a seasonal basis for a specific period of time. The remainder of the year would be taken as seasonal leave without pay.
- d. Approved leave without pay for a specific time period.
- e. Voluntary layoff (out of order). Note: Labor Relations must be contacted before this option can be offered.
- f. Voluntary demotion in lieu of layoff or appointment to a lower class in another class series.

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F. Rights of Laid off Employees

1. Layoff Lists

A laid off CO employee is placed on the layoff list for certification purposes for a period of two (2) years

- a. The order of return from layoff within the job class of the position to be filled is:
 - 1) laid off employees from the organizational unit
 - 2) laid off employees from the department
- b. Recall will be in the reverse order with the most senior member in the organizational unit being recalled or restored to rank from which reduced first. (Article 10.5)
- c. It is not until all laid off employees have been certified one at a time and are not available or otherwise decline the position that the use of Workplace Alaska will be authorized.

2. Leave

- a. No loss of earned leave or other earned benefits shall occur during the period a laid off employee has layoff rights.
- b. Accrued annual or personal leave is paid off in a lump sum payment upon layoff. The departmental payroll section handles the necessary payment paperwork.

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- c. Return to work in a probationary or permanent status any time within the appropriate time period restores any sick leave bank balance.
- e. If the layoff did not result in separation (e.g., demotion in lieu of layoff), earned leave and other earned benefits continue to apply based on the current employment status.

3. Insurance Coverage

A laid off employee may elect to continue health and life insurance coverage. Information regarding continuation options and payment requirements are available from either the Division of Retirement and Benefits or the CO bargaining unit health trust.

4. PERS, SBS, and Deferred Compensation

- a. An employee with layoff rights is still an employee ("inactive member") for retirement purposes. AS 39.35.680(20). Therefore:
 - 1) Retirement contributions must remain in the PERS system.
 - 2) Laid-off employees must formally resign from State service, thus losing their layoff rights, if they want a PERS retirement contributions refund.
 - 3) Formal notice of resignation must be provided to the department from which the employee was laid off to allow for the employee's removal from layoff.
 - 4) Resignation forfeits the employee's right to other benefits of employment (sick leave balance, insurance maintenance, etc.).
- b. Under certain circumstances, employees in layoff status may apply for refund of their SBS annuity account contributions. Payments can be made after the employee has been in layoff status for 60 days.
- c. Under certain circumstances, employees in layoff status may apply for refund of their Deferred Compensation account contributions. Payments can be made after the employee has been in layoff status for 60 days.

See Addendum L for additional information on PERS, SBS, and Deferred Compensation for laid off employees.

5. Movement to a Different Job while Retaining Layoff Rights

- a. A laid off employee may move to a job class other than that from which laid off either upon layoff or following a break in service and retain recall rights in any of the following ways:

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- 1) Displacement of an employee in a lower classification in the same class series (a.k.a., bumping)
 - 2) Voluntary demotion if the employee moves to a lower level in the employee's old job class series other than through bumping.
 - 3) Appointment to a position in another job class.
 - 4) Appointment to a nonpermanent position.
- b. The relevant status, step placement, probationary period and personnel action needed for each of these is as follows:

Type of Movement	Status	Merit Anniversary Date	Step Placement	Type of Personnel Action
(1) Displacement through bumping	Same	Same	Same	Demotion (DM)
(2) Voluntary demotion – not bumping	PR or PE	Adjusted for LWOP if PE, to follow PR period if PR	Earned, best reflects service, or other approved by Division of Personnel	Voluntary Demotion (DM)
(3) Appointment to another job class	PR	Follows PR period	As provided by PSO contract or Personnel Rules	Appointment (AP), Promotion (PR), or Demotion (DM)
(4) Appointment to nonpermanent position	PJ, PS, PT, TJ, TS, or TT	N/A	As provided by PSO contract or Personnel Rules	Appointment (AP)

6. Restriction of Conditions For Recall

- a. A laid off employee may restrict the conditions under which the employee will be available for recall. An employee or laid off employee wishing to be on the layoff list for different locations must provide written notice to Management Services, who shall forward the request to the Employee Services Section in the division of personnel. The Conditions of Employment Upon Return from Layoff form (*Addendum F*) is used for this purpose.
- b. If an employee does not file a written statement concerning restrictions of conditions of availability, the employer will place the employee on the layoff list for the location, department, and status of the position from which laid off.

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- c. The employer will request information concerning restrictions of conditions of availability from each employee at the time of layoff.
- d. If an employee does not file a written statement concerning restrictions of conditions of availability, the employer will place the employee on the layoff list for the location, department, and status of the position from which laid off.
- e. A laid off employee who receives an offer consistent with the employee's designated conditions of availability at the time the employee's name was certified must accept that offer or lose all layoff rights.

G. Recall of a Laid off Employee

A laid off employee must receive written notification recalling them to work. A copy of the written notification must be sent to the Employee Services Section in the division of personnel at the same time the original notification is sent to the employee.

1. Probationary Period Outstanding

A laid off employee who returns to work in the same job class from which layoff occurred is treated as if the intervening time were approved leave without pay. The status at the time of layoff is restored.

- a. If the employee was probationary, the employee will be subject to continuing the probationary period only as necessary to complete it. The remaining portion of the probationary period is determined by extending the period one month for every twenty-three working days that the employee was not working as a probationary employee in the job class.
- b. If the employee was permanent, the merit anniversary date is similarly adjusted one month for every twenty-three working days that the employee was off work.
- c. An employee who is working in a lower range job is entitled to at least the former step placement when recalled to the job class from which laid off. Should the normal rules of step placement not provide for at least that step, requests for approval of a higher step placement are submitted to the director of the division of personnel.

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H. Employees in Leave Without Pay Status Facing Layoff

1. Layoff Status

- a. An employee who is in leave without pay status may be placed in layoff.
- b. This includes seasonal employees in seasonal leave without pay status.
 - 1) An employee who is in a position indicated as seasonal is considered to be a seasonal employee.
 - 2) An employee who is job sharing a full-time position on a seasonal basis is also considered to be a seasonal employee.
- c. A seasonal employee remains the incumbent of the position and is not laid off during the period of leave without pay. When the work resumes, the employee is expected to return.

2. Leave

When an employee is placed on layoff, all remaining annual/personal leave shall be paid out in accordance with the CO collective bargaining agreement.

3. Benefits

- a. Health insurance coverage ends at the end of the month during which an employee last worked.
- b. Information regarding continuation options are available from either the Division of Retirement and Benefits or the CO bargaining unit health trust.

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VIII. Layoff Procedures for the Excluded Unit

A. Layoff Occurs When...

An appointing authority may lay off an employee in the Excluded Unit (EE) for the following reasons:

1. The employee holds a permanent substitute appointment.
2. A position is abolished.
3. There is a shortage of work.
4. There is a shortage of funds.
5. There are other reasons outside the employee's control.

A layoff does not reflect discredit on the service of the employee.

B. Organizational Units for Layoff Purposes

All departments must have organizational units for layoff purposes approved by the division of personnel. Employees may only be laid off using approved organizational units.

1. Basic Subdivision of Department

The basic subdivision of departments into organizational units for layoff purposes is:

- a. Division
- b. Location
- c. Job classification
- d. Position status

These subdivisions apply solely within the EE Unit.

2. Other Subdivisions

An appointing authority may propose other subdivisions of an agency into organizational units for purposes of layoff by submitting a written plan for subdivision, other than that described above, to the director of the division of personnel. (2 AAC 07.800)

- a. Organizational units may be recognized on the basis of geographic area, function or class of employment, and may be different for different classes and types of employment.

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- b. The types of employment are full-time, part-time and seasonal. (2 AAC 07.800(a)).
 - 1) For layoff unit purposes, a part-time employee is one whose regularly scheduled hours are less than 37.5 (or 40) hours per week.
 - 2) Employees who are job sharing will be considered either part-time or seasonal depending on whether they work part of a week or part of a year, e.g., six months each year or 20 hours per week.
- c. Records of other approved subdivisions are maintained by the division of personnel.
- d. An organizational unit should be approved at least 30 days before the effective date of layoff of any employee.
- e. Notice of an organizational unit change is required when:
 - 1) The name of the organizational unit changes.
 - 2) An organizational unit is abolished.
 - 3) A new organizational unit is created.
 - 4) An organizational unit moves to a different department.
- f. Notice of an organizational unit change is not required when:
 - 1) A position or positions are added to the organizational unit.
 - 2) A position or positions are deleted from the organizational unit.
 - 3) The organizational chart is changed to reflect restructuring of the unit.
- g. The director of the division of personnel will notify the agency when the organizational layoff unit is approved or disapproved.
- h. The director shall notify the appointing authority of recognized organizational units, and those units must be used thereafter as a basis for layoff. The appointing authority shall post a copy of the notice of recognition and shall distribute copies of the notice to affected employees (2 AAC 07.800(b)).
- i. The director may withdraw recognition of organizational units created under this section upon notice to the appointing authority at any time the director determines that withdrawal of recognition is in the best interest of the State service (2 AAC 07.800(c)).

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C. Order of Layoff

In instances where computation of layoff points and the establishment of a layoff order are required by the *Personnel Rules*, the director of the division of personnel shall certify the list to the appointing authority. This authority may be delegated. In situations of delegated authority, the division of personnel may verify this SOP has been followed. The official personnel file located in the Employee Services Section of the division of personnel must be used when calculating layoff points.

Layoff points are computed even if establishment of the order of layoff is not required due to a single incumbent in the organizational unit for layoff purposes and, if applicable, no employees in a bumping pool.

1. Order of Layoff Request

Address requests to establish the order of layoff to the supervisor of the Employee Services Section. Agencies which have been delegated authority to establish orders of layoff may use some other method of initiating this process.

The request must specify the organizational unit (division, location, class, and status or other approved unit) in which layoff is targeted and that the employee(s) effected are in the Excluded Unit.

2. Computation of Layoff Points

The order of layoff for excluded employees is based on length of service and performance evaluation reports. The formula for computing layoff points consists of the total length of probationary and permanent service, multiplied by a factor based on Performance Evaluation Reports.

Layoff points are calculated for all employees in the organizational unit through the date the layoff list is prepared in order to establish the order of layoff. Upon implementation of layoff, layoff points for all laid off employees are recalculated to reflect their actual length of service. Layoff point calculations must be verified by a second individual.

3. Identifying Employees in Organizational Units for Layoff Purposes

- a. Upon receipt of a request to establish the order of layoff for an organizational unit, the first action is to confirm the unit has been properly identified as the currently approved unit by comparison with the record of approved units described in *Section B* above.

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- b. The next step is to identify the employees in the EE unit.
- c. Primary resources consist of the Vacancy Analysis (RO) reports by job class and by division and the on-line Workforce Planning and Development system (WorkPaD).
- d. For layoff of a seasonal position, employees on seasonal leave without pay (SLWOP) are included with the rest of the unit and must be identified.
- e. Job share incumbents are treated according to their work schedule rather than the budgeted status of the position.
- f. Any question about who is in an organizational unit for layoff purposes should be resolved by the requesting agency, in writing.

4. Tie Breakers

The tie breakers described below apply when two employees have the same layoff points.

- a. **Veteran's Preference.** AS 39.25.159 provides that a veteran, prisoner of war, or member of the national guard shall be kept on the job in a layoff situation in preference to an equally qualified person who is not a veteran, former prisoner of war, or member of the national guard. See AS 39.25.159(d) for the definitions of "veteran," "disabled veteran," and "prisoner of war." See AS 39.25.159(c) for the definition of "member of the national guard."
- b. **Employer Discretion.** If a tie remains after application of all tie breakers specified in the Personnel Rules, the choice of employee to be laid off is at the discretion of the employer.

The following chart indicates the order of use of tie breakers. The number "1" indicates the first tie breaker used, "2" indicates the second, and so forth.

Unit	Vet	Employer Discretion
Excluded	1	2

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5. Calculating Length of State Service

Length of State service is computed as the total of all periods of employment in probationary or permanent status, whether connected or unconnected. The number of months of service is determined by use of an EXCEL spreadsheet.

Addendum A provides instructions for calculating length of service and using the spreadsheet.

Addendum B is the EXCEL spreadsheet.

6. Quality of Service

- a. For the Excluded (EE) unit, the Quality of Service is computed from the overall rating on the employee's three most recent Performance Evaluation Reports. Rating points are assigned based on a standard formula.
- b. Evaluations covering time employed in an emergency, nonpermanent (NJ, NT, NG, NS, etc.), partially exempt (PX), or exempt (EX) capacity do not qualify.
- c. An evaluation covering provisional employment that has not been converted to probationary employment does not qualify. All other evaluations apply.
- d. Performance evaluations are given a numerical rating. The common basis is the Overall Evaluation column of the Performance Evaluation Report form initially used at statehood. As shown below, the boxes checked on the current form are translated to columns 1 (Box 1), 3 (Box 2), 7 (Box 3), 11 (Box 4) and 13 (Box 5) of the original form. As also shown, the numerical ratings on the prior form are translated to corresponding columns. The average of the three most recent performance evaluation reports is used for the performance factor.

Overall Form #1	U FAIR GOOD VERY GOOD OS												
Overall Form #2	UIMPROVEMENT GOOD VERY GOOD OS NEEDED												
Non-Supervisory	0-33	34-38	39-41	42-46	47-49	50-52	53-56	57-60	61-63	64-67	68-71	72-75	76-80
Column #	1	2	3	4	5	6	7	8	9	10	11	12	13
Supervisory	0-49	50-55	56-62	63-68	69-73	74-78	79-84	85-89	90-94	95-100	101-106	107-112	113-120
Overall Form	U A A A O												

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- e. Column points are totaled, averaged and then rounded (round down at 1/3; round up at 2/3). If there are less than three qualifying evaluations, use one or two evaluations to get this average. The points average is converted using this formula:

Column Points	1	2	3	4	5	6	7	8	9	10	11	12	13
Average													
Rating Points	0	.012	.024	.036	.066	.069	.072	.075	.078	.081	.084	.090	.096

- f. As an example, Employee A has been employed in probationary or permanent status for a total of four years and two months. The three most recent evaluation reports have been high acceptable, middle acceptable and high acceptable (on the current form) respectively. The performance reports factor is $11 + 7 + 11 = 29$, divided by 3 = 10 (rounded to the nearest whole number). The multiplier is .081 points per month of credited service. Employee A therefore has $50 \times .081 = 4.050$ layoff points.

7. Production of Orders of Layoff

- a. The Employee Services Section will normally be able to prepare the order of layoff in five to ten working days, depending on the number of employees involved in the calculations and the number of pending requests.
- b. Formal written notification of the order of layoff is given to the Employee Services Section and the Management Services Section. See form memorandum in Addendum C.
- c. Departments that have accepted delegated authority to produce orders of layoff must provide a copy of the order of layoff and the completed layoff calculation Excel document for each employee to be laid off to the designated layoff contact from the Employee Programs section in the division of personnel at least 10 working days before the effective date of layoff.
- d. The Layoff Order # is entered as follows:

DDNN.CY where DD is the department number, NN is the sequential number of the list issued during the calendar year, and CY is the last two digits of the calendar year. For example, the third order of layoff issued in 2002 for the Department of Revenue is Layoff Order # 0403.02.

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- e. Employees will be listed in order of ascending points.
 - 1) The employee listed first would have the lowest number of layoff points and would be first to be laid off, the second employee second, etc.
 - 2) Where ties have been broken as described under “Tie Breakers” above, the results must be shown in the listing.
 - 3) Where ties remain, the employees will all be listed with the same order number.
- f. In the case of a single position organizational unit for layoff purposes, formal written certification of the order of layoff is required in order to insure documentation of the propriety of the action and because layoff points will be required later for recall.
- g. The order of layoff and the layoff point calculations must be verified by a second reviewer who certifies the accuracy of the order of layoff and the layoff point calculations before the information is sent to the division of personnel and before any layoff actions are taken.
- h. The division of personnel may perform an independent certification of the order of layoff and the layoff point calculations at any time.

D. Notification

- 1. Prior to issuing a layoff notice to a permanent or probationary employee, agencies are responsible for separating any emergency, nonpermanent, or provisional employees consistent with the requirements of the *Personnel Rules*. Normally, emergency, nonpermanent, and provisional employees are terminated in that order.
- 2. In every case of layoff of any permanent classified employee, the appointing authority shall make every effort to give written notice to the employee at least thirty (30) days in advance of the effective day of the layoff. The appointing authority shall give at least two (2) weeks written notice.
- 3. In every case of layoff of any probationary classified employee, the appointing authority shall make every effort to give written notice to the employee at least two (2) weeks in advance of the effective date of layoff.
- 4. The layoff notification must be in writing and contain the following:
 - a. Reason(s) for layoff.
 - b. The information that an employee will be placed on the layoff list for the job class, position type, and the location in which the layoff occurred.

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Addendum D is a guide memorandum for use in notifying employees of layoff.

Addendum E is the conditions upon return from layoff form to be attached to the notification of layoff.

5. A copy of the layoff notice must be attached to the division of personnel's copy of the Personnel Action from the layoff, whether it is a separation or other action.
 - a. The Remarks section should include the standard PA comments language and also state any other action occurring (such as voluntary demotion in lieu of layoff).
 - b. See Addendum H for PA comments language.
6. The following documents must be received by the Employee Services Section in the division of personnel before the effective date of layoff:
 - a. Original personnel action or screen print from AKPAY (screen print must be followed by the original personnel action within 5 working days).
 - b. Layoff notice.
 - c. Layoff points (electronic file).
 - d. Conditions of Employment Upon Return from Layoff form (if completed). This form is Addendum E.
7. The division of personnel will be responsible for the placement of laid off employees in Workplace Alaska as appropriate.

E. Other Considerations

1. After all appropriate nonpermanent, provisional and emergency employees have been terminated by an agency, there may be necessary work that may be assigned to the employee facing layoff. The kind, level and geographic location of such work is a matter that should be discussed by Management Services with the employee.
2. The possibility of accepting a voluntary demotion offered concurrent with the actual layoff in lieu of layoff should not be overlooked. An employee who accepts such a demotion retains certain rights.

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3. Managers may wish to consider one or more alternative work arrangements to minimize the impact of layoff.
 - a. Job Sharing--this could be on a daily or weekly basis or six months of the year.
 - b. Working part-time (less than 37.5 hours per week).
 - c. Working on a seasonal basis for a specific period of time. The remainder of the year would be taken as seasonal leave without pay.
 - d. Approved leave without pay for a specific time period.
 - e. Voluntary demotion in lieu of layoff or appointment to a lower class in another class series.

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F. Rights of Laid off Employees

1. Layoff Lists

A laid off EE employee is placed on the layoff list for certification purposes for a period of two (2) years.

- a. The order of return from layoff within the job class of the position to be filled is:
 - 1) laid off employees from the organizational unit
 - 2) laid off employees from the department
 - 3) laid off employees statewide
- b. The order of return is the reverse of the order of layoff within a.1, a.2, and a.3 above.
- c. It is not until all laid off employees have been certified one at a time and are not available or otherwise decline the position that the use of Workplace Alaska will be authorized.

2. Leave

- a. No loss of earned leave or other earned benefits shall occur during the period a laid off employee has layoff rights.
- b. Accrued annual or personal leave is paid off in a lump sum payment upon layoff. The departmental payroll section handles the necessary payment paperwork.

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- c. Return to work in a probationary or permanent status any time within the appropriate time period restores any sick leave balance.
- d. If the layoff did not result in separation (e.g., demotion in lieu of layoff), earned leave and other earned benefits continue to apply based on the current employment status.

3. Insurance Coverage

A laid off employee may elect to continue health and life insurance coverage. Information regarding continuation options and payment requirements are available from the Division of Retirement and Benefits.

4. PERS, SBS, and Deferred Compensation

- a. An employee with layoff rights is still an employee ("inactive member") for retirement purposes. AS 39.35.680(20). Therefore:
 - 1) Retirement contributions must remain in the PERS system.
 - 2) Laid-off employees must formally resign from State service, thus losing their layoff rights, if they want a PERS retirement contributions refund.
 - 3) Formal notice of resignation must be provided to the department from which the employee was laid off to allow for the employee's removal from layoff.
 - 4) Resignation forfeits the employee's right to other benefits of employment (sick leave balance, insurance maintenance, etc.).
- b. Under certain circumstances, employees in layoff status may apply for refund of their SBS annuity account contributions. Payments can be made after the employee has been in layoff status for 60 days.
- c. Under certain circumstances, employees in layoff status may apply for refund of their Deferred Compensation account contributions. Payments can be made after the employee has been in layoff status for 60 days.

5. Movement to a Different Job while Retaining Layoff Rights

- a. A laid off employee may move to a job class other than that from which laid off either upon layoff or following a break in service and retain recall rights in any of the following ways:

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- 1) Displacement of an employee in a lower classification in the same class series (“bumping”)
 - 2) Voluntary demotion if the employee moves to a lower level in the employee’s old job class series other than through bumping.
 3. Appointment to a position in another job class series.
 4. Appointment to a nonpermanent position.
- b. The relevant status, step placement, probationary period and personnel action needed for each of these is as follows:

Type of Movement	Status	Merit Anniversary Date	Step Placement	Type of Personnel Action
(1) Displacement through bumping	Same	Same	Same	Demotion (DM)
(2) Voluntary demotion – not bumping	PR or PE	Adjusted for LWOP if PE, to follow PR period if PR	Earned, best reflects service or other approved by division of personnel	Voluntary Demotion (DM)
(3) Appointment to another job class	PR	Follows PR period	As provided by Personnel Rules	Appointment (AP), Promotion (PR), or Demotion (DM)
(4) Appointment to nonpermanent position	PJ, PS, PT, TJ, TS, or TT	N/A	As provided by Personnel Rules	Appointment (AP)

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6. Restriction of Conditions For Recall

- a. A laid off employee may restrict the conditions under which the employee will be available for recall. An employee or laid off employee wishing to be on the layoff list for different locations must provide written notice to Management Services, who shall forward the request to the Employee Services Section of the division of personnel. The Conditions of Employment Upon Return from Layoff form (*Addendum E*) is used for this purpose.

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- b. The conditions are limited to department, location and status of employment except in instances in which a job class has formal, distinct options under one job class title and is so certified in Workplace Alaska, recall rights may be restricted to specific options (other than from which laid off) by the employee. It is important that laid off employees who are in these "option" job classes have this exception explained to them.
- c. The employer will request information concerning restrictions of conditions of availability from each employee at the time of layoff.
- d. If an employee does not file a written statement concerning restrictions of conditions of availability, the employer will place the employee on the layoff list for the location, department, and status of the position from which laid off. If distinct options exist, the employee will be placed on the list for all options.

G. Recall of a Laid off Employee

A laid off employee must receive written notification recalling them to work. A copy of the written notification must be sent to the Employee Services Section in the division of personnel at the same time the original notification is sent to the employee.

1. Probationary Period Outstanding

A laid off employee who returns to work in the same job class from which layoff occurred is treated as if the intervening time were approved leave without pay. The status at the time of layoff is restored.

- a. If the employee was probationary, the employee will be subject to continuing the probationary period only as necessary to complete it. The remaining portion of the probationary period is determined by extending the period one month for every twenty-three working days that the employee was not working as a probationary employee in the job class.
 - b. If the employee was permanent, the merit anniversary date is similarly adjusted one month for every twenty-three working days that the employee was off work.
2. An employee who is working in a lower range job is entitled to at least the former step placement when recalled to the job class from which laid off. Should the normal rules of step placement not provide for at least that step, requests for approval of a higher step placement are submitted to the director of the division of personnel.

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3. A laid off employee who receives an offer consistent with the employee's designated conditions of availability at the time the employee's name was certified must accept that offer or lose all layoff rights.

H. Employees in Leave Without Pay Status Facing Layoff

1. Layoff Status

- a. An employee who is in leave without pay status may be placed in layoff.
- b. This includes seasonal employees in seasonal leave without pay status.
 - 1) An employee who is in a position indicated as seasonal is considered to be a seasonal employee.
 - 2) An employee who is job sharing a full-time position on a seasonal basis is also considered to be a seasonal employee.
- c. A seasonal employee remains the incumbent of the position and is not laid off during the period of leave without pay. When the work resumes, the employee is expected to return.

2. Leave

When an employee is placed on layoff, all remaining personal leave shall be paid out as terminal leave.

3. Benefits

- a. Health insurance coverage ends at the end of the month during which an employee last worked.
- b. Information regarding continuation options is available from the Division of Retirement and Benefits.

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